



February 20, 2020

North Pacific Fisheries Association, NPFA

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RE: Oil Discharge Prevention and Contingency Plan Public Scoping

To Whom It May Concern:

North Pacific Fisheries Association (NPFA) was incorporated in 1955 as a marketing entity for the Cook Inlet commercial fisheries of Alaska. Today it represents a broad range of commercial fishing interests in south central Alaska, working to keep its members and surrounding area fishermen up to date on the evolving fisheries management structure, environmental, and safety concerns.

While the current scoping effort is broad, covering many statutes and regulations pertaining to many entities around the state, we wish to focus our attention primarily on the Cook Inlet [CI] and Prince William Sound [PWS] region where many of our members and their families work and live. Some in our organization were damaged by the 1989 Exxon Valdez Oil Spill [EVOS], participated in the clean-up, and labored through many years of litigation. Their history is known to younger fishermen and serves as a cautionary tale. Also, the CI Basin is a significant producer and shipper of petroleum products and the vast majority of North Slope oil production travels through PWS.

Because of the enormous failure by the responsible parties to prevent and respond to the EVOS, Congress and the Alaska Legislature passed legislation to ideally prevent such catastrophes and ensure that if one did occur, there would be a swift and effective response. NPFA feels that the regulations on the books have done much toward that goal. Specifically, the Contingency Plans for the Valdez Marine Terminal, tankers in PWS and CI operations have valuable provisions to enhance vigilance and minimize complacency.

For example, the use of high-powered escort tugs when laden tankers are departing PWS is a very effective prevention technique. In close quarters like the Valdez Narrows a tug tethered to the stern of a tanker can help steer a disable ship and arrest its forward motion. Then the second tug is able to take that ship in tow and bring it to a safe harbor. Also, in the plan are regular exercises and drills which in this case keep ship pilots, tanker crews, and tug crews proficient in the skills and communications required. Similarly, DEC should retain the ability to call unannounced drills and include adequate exercises and drills in all C-Plans.

The salmon hatcheries in PWS are a key part of the region's economic engine. These and other sensitive areas have long standing Geographic Response Strategies to protect them in the event of a spill. The various buoys anchored off hatcheries and on-site containers with 1000's of feet of oil boom anticipate an event no one wants to see happen. These and other measures are expensive but not nearly as expensive as the aftermath of a major oil spill.

A key aspect of spill response in our region is the Ship Escort and Response Vessel System [SERVS] Fishing Vessel Program. Local fishing vessels and crew are integral to the Nearshore Response effort in the C-Plans. Their local knowledge, and nimble response capability is key to wildlife protection, beach protection and cleanup, and oil recovery. Most vessels and crew only train and practice with equipment a few days of the year, though a small number are on call year-round 24 hours a day. Given the commitment of fishermen to the region's resources, it is a given that this aspect of the C-Plans provides dedicated responders. A specific area that should be looked at are the Realistic Maximum Response Operating Limits. Our experience is



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that they seem to be set too high. Also, they seem to apply to open-water response and not to near-shore activities that involve the fishing vessel response fleet.

We live in a complex world and people are sensitive to where their food comes from. Alaska's good record on ocean stewardship and its clean oceans are part of the marketing of our seafood. We believe this image will be increasingly important in the future. Accordingly, we want to see adequate protections in place and feel there should be no roll backs to the Contingency Plan regulations currently in place. We note that these regulations have been tweaked nine times in the years since they were put in place, but feel there has been no erosion of significant features.

We understand that plan holders receive prevention credits for certain actions and technologies. This may have been appropriate 25 years ago to encourage prevention. Today many of these credits are mandated by federal or state regulations or common industry practice. We advocate that prevention credits should only include measures not already mandated by state or federal law.

It is obvious if there is a diminishment of protections and responses in the Cook Inlet and Prince William Sound areas, the burden of an oil spill will fall upon the public. Specifically, the commercial fishing industry through its experience with EVOS and other environmental events are keenly aware of the negative economic impact such events have not only in the specific area impacted, but also rippling throughout the Alaskan seafood industry.

Regulations should clarify and specify and not create uncertainty. This scoping process should point to areas that DEC can clarify. Perhaps many of the concerns expressed by industry and others could be better addressed by improved training of DEC personnel to ensure consistent interpretation and application of the regulations. As we have found valuable in our work with regulatory agencies, we advocate that future revision processes be cooperative and involve stake holders.

We advocate that the Contingency Plan statutes and regulations on the books have been useful and effective over the nearly 30 years they have been in place. The oil industry has accepted them as part of their operations and often cites them as to how they are acting as good stewards of the environment. Alaskans value a pristine environment and generally see the regulations as protecting their interests. Accordingly, we urge you to keep the current C-Plan statutes and regulations in place.

Prevention is better than cure.

Sincerely yours,

Malcolm Milne
President, NPFA