



- Fishing Vessel Owner Meeting, 2011-
March 18, 2011
Crowne Plaza Hotel
Anchorage, AK



Meeting Recap and PWSRCAC Recommendations

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Meeting Attendance

PWSRCAC Staff: Jeremy Robida (meeting chair), Roy Robertson, Linda Swiss

PWSRCAC Board Member and OSPR committee chair: John French

ADEC: John Kotula, Samantha Smith

USCG: Chief Jon Jones, Sector Anchorage

FVOs: Valdez and Whittier one representative each, Kodiak, Seward, and Homer two representatives each, and finally Cordova with three representatives. (Eleven total Fishing Vessel Owner representatives)

Meeting Objectives and Format

Prince William Sound Regional Citizens' Advisory Council's (PWSRCAC) purpose in hosting this meeting was to engage with representatives from the fishing vessel (FV) spill response program and dialogue on the overall health and well-being of that program. It had been a year since the program faced major hurdles, and PWSRCAC felt it was important to engage with fleet representatives. At the meeting start, PWSRCAC explained to participants that the end goal was to provide recommendations for improving the program to Alyeska/SERVS based on the concerns and comments from the meeting.

Additionally, under OPA 90, PWSRCAC is tasked with fostering partnerships and communication between industry, government, and local citizens. This meeting served as a chance for representatives of the response fleet, the Alaska Department of Environmental Conservation (ADEC), and the United States Coast Guard (USCG) to engage with one another, ask questions, and listen. In past discussions with FVOs, it was noted that vessel owners found value in talking with the agencies such as ADEC. ADEC also commented that they found this meeting worthwhile. The USCG was asked to participate for those same reasons. It is vital that these relationships be built and maintained, and PWSRCAC works to facilitate this sort of communication.

The meeting was composed of two parts: information and discussion. The USCG and ADEC spoke during the information section, addressing new commercial fishing safety regulations and the role of FVs in the tanker contingency plan (C-plan), respectively. Both the USCG and ADEC also spent time addressing questions following their presentations. During the discussion section, which constituted the bulk of the meeting, PWSRCAC actively listened to fishing vessel owner representatives (FVOs) describe the health and status of the spill response program. Topics covered included administrative themes, insurance, crewing, communications, training, and other port specific issues as they arose. The FVOs are recognized by Alyeska/SERVS and their home communities as fleet representatives. In setting up the meeting, PWSRCAC chose to invite the same FVOs that Alyeska/SERVS had worked with in an earlier 2011 meeting. Additional fisherman were also identified and invited based on conversations with current FVOs and previous PWSRCAC meetings. In the report, all of the fisherman participants are referred to as FVOs.

USCG addresses new safety rules and regulations

After brief introductions by all participants, Chief Jon Jones of the USCG, Sector Anchorage presented first on new rules and regulations related to commercial fishing safety requirements. The 2010 Coast Guard Authorization Act initiated significant changes in how commercial fishing vessels operating beyond three nautical miles offshore are governed. For instance, in the past, these vessels could elect to have a voluntary dockside safety check. Going forward, these safety checks would be mandatory. Additional safety gear would also be required. Chief Jones explained these new rules and regulations were still being finalized. He went on to suggest that bulk of PWS fisherman might not see any sweeping changes as all PWS waters are considered coastal (within three miles of shore).

FVOs asked Chief Jones a variety of questions including survival suit inspection specifics, decal exams for SERVS, and maintenance log protocol, etc. One FVO stressed that he wanted to see more consistency in the USCG vessel examiners. Another FVO thanked the USCG for their positive attitude and felt that all of the representatives he had dealt with in the past worked very well with fishermen. Chief Jones had other engagements and left the meeting after his presentation, but provided his phone number for any questions.

ADEC discusses FVs and the C-plan, the surprise drill, and the Gulf of Mexico

Next, ADEC representative, John Kotula, gave a presentation on the tanker contingency plan and how it related to those in the FV response program. Kotula discussed details of response planning standards, planning vs. performance benchmarks, the composition of nearshore task forces, and benefits and logic behind no notice drills, such as the recent "10-10-10" drill.

FVOs were interested in details of the plan such as timing and why a certain number of Tier I and Tier II vessels were required. FVOs had questions related to their roles as support vessels in exercises, in-region/out-of-region vessels, and compliance measures related to the spring 2010 FV shortfall.

Kotula said ADEC welcomed feedback from FVs involved in the program. With the surprise exercise held on October 10, 2010, for example, ADEC captured the un-edited captain logs as part of their exercise requirements. ADEC also participated in the post exercise debriefs as much as possible. Kotula noted that ADEC appreciated these comments and other insights from program participants. Also, Kotula mentioned that C-plan reviews/renewals have a public comment component and that PWSRCAC could help vessel owners navigate their way through the public comment process. Linda Swiss noted that the current tanker C-plan would expire in November 2012, and that general public comment would open up months prior to that date.

Samantha Smith of ADEC spoke briefly about her experience in the Gulf of Mexico and the response to the Deepwater Horizon spill. Smith had worked with the vessels of opportunity program organizing and training vessels for spill response. She addressed the FVOs saying that while there is always room for improvement, the Alyeska/SERVS FV program was incredibly valuable. Smith noted that the level of training, local

equipment stockpiles, and general dedication level among program participants was remarkable.

After their presentations, both Smith and Kotula remained at the meeting, primarily listening, but also asking some questions and clarifying details as conversations unfolded.

PWSRCAC discussion with FVOs

A number of topics were discussed including communication, crewing, trainings and exercises, and contractual themes such as compensation and insurance. The themes were not necessarily new as past meetings with owner representatives, both with PWSRCAC and SERVS, reference many of these same themes.

Communication

Owner representatives voiced that communications with SERVS needed improvement. They felt that communication between parties has slowly been degrading as opposed to a single event being the source of that decay. For example, FVOs felt that many of their questions and comments through the years had not been addressed or recognized. Many of the FVOs expressed a strong desire to close the feedback loop.

FVOs stressed that the communications they have received through the years have been inconsistent. For example, discussion concerning the number of crew members each vessel could bring to this year's spring training led to the realization that different ports had received different amounts.

FVOs also felt that at times the communication hierarchy was too formal, and perhaps the best way to reach participants with a message was just to speak with them directly as opposed to passing issues through fishing vessel administrators (FVAs). FVOs realize that the FVA's role is essential and serves a purpose, but felt some communication would be better directly from SERVS. This might eliminate confusion on important subjects such as crewing and training requirements. Also with regard to FVAs, the FVOs spoke of the hard work and satisfactory jobs FVAs perform. They wanted to make sure that FVAs had the support and training needed to succeed, and stressed that FVAs need to be competent in order for the program as a whole to run efficiently. FVOs expressed they were interested in trying out an automated call-out system as this may be a way to more efficiently mobilize.

FVOs proposed solutions to help foster communications with Alyeska/SERVS. They requested more feedback on their performance at drills and exercises and suggested that SERVS have a smaller vessel moving around on trainings to provide feedback to participants. This would provide an opportunity for critique and acknowledgement that tactics were being performed well, skimmers were in correct places, proper personal protective equipment was being worn correctly, etc. Another idea was a quarterly email newsletter. For at least a couple of years SERVS produced a quarterly newsletter but it appears this effort is no longer being carried out. FVOs suggested the newsletter could address training topics, new technology, safety-related topics, and pictures from past exercises. FVOs also thought the newsletter would also be a good space to address common questions from the fleet. FVOs believe the newsletter was

valuable and should be continued and this was one example of direct communication that FVOs requested.

Some other communication issues that were discussed included FVOs wanting follow-through on the proposed FV steering committee. This steering committee was suggested in the spring of 2010 when the program was facing challenges and owner representatives were very eager and optimistic about this process. FVOs see the steering committee as an opportunity to engage with SERVS/Alyeska in a meaningful way. They believe the steering committee process could ultimately yield an agreement and subsequent contract that benefits both parties. This process is what FVOs had anticipated for the February-sponsored SERVS meeting. FVOs were somewhat disappointed with this meeting and walked away feeling their concerns were not being addressed. They voiced that while time had been allotted to insurance and contractual issues, the meeting instead centered on discussions surrounding the 10-10-10 drill. Fleet representatives voiced that little input and comments were sought from them, but rather, more information was relayed to them. This is not what they had anticipated.

Trainings, Drills, and Exercises

FVOs stressed that they want to see good quality training and this training be as realistic as possible. One example they cited was the three-day drill held on 10-10-10. This experience was productive and valuable because it gave participants a chance to work with equipment in the same manner that a real spill would require. Many fishermen had not filled a mini barge in years, and the 10-10-10 drill gave them the opportunity to practice tactics beyond the normal training and to perform these tactics in a more logical and realistic fashion. FVOs appreciated these longer exercises and felt they learned far more from this multi-day experience than the one day of on-the-water training they receive as part of their annual training.

FVOs also suggested that SERVS needs to hold vessels on-contract responsible for performing at a high level. FVOs suggested utilizing strong strike team leaders or task force leaders to keep everyone challenged, engaged, and productive during exercises and trainings. Again, FVOs suggested that SERVS staff drive around in smaller vessels during drills and training and touch base with the working boats. This would be a chance to not only offer feedback and critique the fleet, but also make sure that all were participating. This could also serve as an opportunity to check off training matrixes and verify skills. FVOs want this feedback on their performance. FVOs suggested that SERVS also share an after-action report to the fleet. This is another example of how communication could tie several facets of the response program together.

FVOs suggestions for future trainings include operating pieces of equipment not practiced in a long time such as the cold water deluge system, the desire for more wildlife trainings, and perhaps training at night. FVOs also suggested that a spill simulant be used in the future so a real target on the water could be chased. This would help immensely as rather than trying to imagine wind and current, fishermen would actually witness and deal with a true response. At very least, participants desired a realistic scenario to work with in trainings and drills.

Participants also had other suggestions to help build the FV response program. They cited that trainings should accommodate Tier I fit testing. Currently, fit testing is held during another time period. By moving this procedure into the training timeframe, it would insure that crews were truly ready to respond post training. Also, FVOs voiced that they want to play a bigger role in drill and exercise planning. They felt their regional knowledge could be utilized in drill planning and response scenarios much better than it is currently.

In the discussion on drills and trainings, FVOs asked ADEC about the amount of drill and trainings required to meet state regulations. FVOs voiced that they enjoyed training and were eager to see more. In particular, they want more training of substance, longer exercises, new techniques such as shoreline clean-up, and wildlife response. SERVS may want to consider increased training in the future as a way to meet participant earning expectations. This would not only raise the education level of the fleet and provide for more investment and buy-in from participants, but also provide for a stronger response in the event of an incident.

Contractual Themes: Insurance, Compensation, a Process to Address Issues

FVOs expressed concern over insurance and compensation. However, PWSRCAC has not been involved with the financial aspects and fine details of the SERVS, FV contracts. Those details are best left to those parties involved with the contract and PWSRCAC recognizes that.

FVOs expressed that there has been a lot of discussion on insurance in the last several years, but nothing has been revised or clarified in the contract to reflect these explanations. FVOs feel that the explanations they have been given do not address their concerns. Additionally, it appears that verbal clarifications have changed through time depending on who is delivering the message. Fleet representatives voiced confusion on what is covered, and when the coverage starts and stops. Additionally, FVOs are unsure about how insurance is applied to their crews. FVOs requested this information in writing, but that request has not been met.

FVOs reported that generally most participants in their respective fleets are satisfied with the new compensation schedule. The pay increase that occurred in the spring of 2010 has been well received. The number of signed contracts also increased. Interest in the program is high, and FVOs report they have witnessed boats that left the program join again, and new boats come in on contract. FVOs did note that while the pay increase was substantial, it was still below standard workboat rates and below rates that spill response boats would make per day. That being said, program participants seemed satisfied with compensation.

FVOs also voiced that despite increased compensation, the overall goals of last year's threatened stand-down were not met. Issues surrounding communication and insurance clarification remain, for example. FVOs are concerned that no mechanisms are in place to address their concerns or to keep compensation at acceptable level. FVOs stressed they would like see a process through which they could negotiate their contractual terms and address issues. Again, the proposed steering committee may offer that solution.

FVOs suggested that in addition to a negotiating process, contractual terms should expire after a set time period. FVOs suggested a three year contractual period and felt this expiration would promote a review of contract terms, something that might be beneficial to both parties.

Crewing

Perhaps due to increased compensation, FVOs mentioned that they now having trouble finding and keeping good crew throughout the year. More vessels are on contract compared to years past, and these additional boats need additional crew and captains.

FVO's pointed out that many people who used to be crew have joined the FV program under their own contracts and vessels. One FVO explained how his own Tier I co-captain had entered his own vessel under a Tier II contract. This meant that not only did he have to find an alternate skipper, the new Tier II boat also required a crew of three more. Examples such as this show how a small town with limited people resources can be stretched thin.

Compounding the crew shortage issue, FVOs relayed how they have received mixed messages on how many crewmembers could be trained. The messages varied across the different ports. Some were told they could train as many as they could bunk, while others were told they could train just the bare minimum needed to operate. One FVO said that the numbers have changed a few different times leading up to the spring 2011 training. There was confusion among FVOs, and this is another example of inconsistent communications between SERVS and the FVOs.

FVOs suggested that in response to crew challenges, some sort of crew pool be examined and the opportunity to train more crew. Participants seem reluctant to enter their crew into a pool potentially giving up many years' worth of training and familiarization with a particular vessel. They suggested the crew pool be comprised of people who had gone through the training but were not tied to a specific vessel. Alternatively, if a contracted vessel was out for repairs, those crewmembers could enter the pool while undergoing maintenance. FVOs also suggested perhaps actively recruiting vessels from a specific ports a way to equitably share the load amongst the region.

Finally, FVOs expressed concern over additional passengers such as observers, SERVS personnel, news media, etc. Many vessels simply do not have extra survival suits, personal flotation devices, and other PPE. FVOs want to make sure they are not in danger legally by having these "extras" aboard.

Suggestions for Improving Long-Term Program Health

Communications:

- PWSRCAC supports the proposed steering committee approach. PWSRCAC suggests this steering committee meet throughout the year and be composed of at least one fleet representative from each port. This steering committee could provide input on the contractual terms between Alyeska/SERVS and program

participants. FVOs wanted this sort of dialogue to occur. These steering committee meetings would be in addition to the normal fishing vessel owners meeting.

- Program participants would like a voice in the contracting process. PWSRCAC suggests that SERVS work with these fleet representatives in order to construct a contract with which both are satisfied. Issues that could be addressed include compensation, planning for upcoming annual trainings, and dealing with unresolved issues such as insurance. Perhaps the steering committee could help shed light and direction on these themes.
- PWSRCAC suggests a quarterly email or print newsletter be developed and sent to all program participants. The newsletter could be used as a communication tool and cover topics such as response tactics and new equipment, and relay safety information, share pictures, answer common program questions, etc. Participants could be encouraged to write their own stories, share pictures, and add input as it relates to the program. The newsletter could also address issues such as insurance which are held in common to the entire fleet. Alternatively, a website could be established that contains the same information.
- PWSRCAC recommends that there be follow-through communication with program participants. Participants want to know that their suggestions have been heard and registered. They would also like to receive some sort of after-action reports from the exercises and trainings in which they participate.

Trainings, Drills, and Exercises:

- PWSRCAC recommends that SERVS engage with participants in the field during drills, trainings, and exercises. This would offer the opportunity for direct feedback, critique of techniques, and verification that all vessels were invested in the process. This type of communication is desired by participants and could lead to a more productive and better trained response fleet.
- PWSRCAC further suggests that trainings and exercises be as realistic as possible with equipment being used in the same fashion it would actually be used, and not simulated. Trainings should be scenario-based so that participants can form a mental picture of what a real response would be like.
- PWSRCAC suggests the use of spill simulants in trainings. This would add realism to the training process and provide the incentive that participants need in order to be invested in the process.

Contractual Themes:

- PWSRCAC recommends a process for program participants to address contractual issues be explored. As mentioned above, the steering committee could be one avenue for this. Currently, participants are satisfied with compensation, but there is no system in place to keep satisfaction levels high. PWSRCAC feels that the long term success and regulatory compliance of the program is dependent upon a model that promotes communication between the contracting parties, regulatory bodies, and regional stakeholders.

- PWSRCAC also recommends that insurance coverage be clarified to participants. In past FVO meetings organized by SERVS, Alyeska insurance experts were in attendance and presented information on insurance coverage as well as answered questions. This is a prudent step forward, but there appears to remain some disconnect between the parties and the understanding of insurance. Confusion lies specifically on when coverage starts and stops and what it covered. Insurance parameters need to be defined in simple language and in writing. PWSRCAC suggests that Alyeska/SERVS address the specific questions of those in the fleet and publicly relay this information.

Crewing:

- The possibility of a crew pool should be explored as one potential way to help alleviate crew shortages. The FVAs could manage this pool and track certification expirations, fit test dates, etc. Vessel owners would not surrender their valuable crew to the pool, but rather, they could grab from the pool in times of need. Additionally, they could offer their crew when the opportunity presents itself.
- Clarification and consistency on the number of crewmembers that a captain is able to train at annual trainings would be valuable information for FVOs. SERVS could encourage extra crew at this point in time in order to build the crew pool.
- PWSRCAC suggests that annual trainings be scheduled to allow for fit testing of Tier I vessels. By adding this as a component of annual trainings, SERVS will be assured that responders are ready. Additionally, participants will not need to block out further time from their schedules.

Conclusion

How is the overall health and morale within the response fleet currently? From a regulatory perspective, the number of contracted vessels is meeting the state contingency plan requirement. From a program participants' perspective, there appears to be general and widespread satisfaction with compensation. Essentially, things are better than they were approximately one year ago.

That being said, compensation is just one piece of the equation and the re-occurring concerns of insurance and communications have not gone away. Program members value being part of the program, and realize their vessels and local knowledge would be essential in a clean-up effort. These participants simply want to build the program. PWSRCAC's suggestion is that SERVS work with members of the response fleet to accomplish this.

There is no doubt it will always be a challenge to hold contracts with a large number of vessels based in distant communities. Vessels which are often owned and operated by fishermen who tend to be individualistic and used to running things their own way. One thing is clear though; there are re-occurring themes and issues within the fishing vessel response program and these should be dealt with.