

**PRINCE WILLIAM SOUND
REGIONAL CITIZENS' ADVISORY COUNCIL
MINUTES
REGULAR BOARD MEETING
January 26 and 27, 2023
Anchorage, Alaska**

Members Present

Robert Archibald	City of Homer
Amanda Bauer	City of Valdez
Robert Beedle <i>(via videoconference)</i>	Cordova District Fishermen United
Mike Bender <i>(via videoconference)</i>	City of Whittier
Nick Crump	Prince William Sound Aquaculture Corporation
Ben Cutrell	Chugach Alaska Corporation
Wayne Donaldson	City of Kodiak
Mako Haggerty	Kenai Peninsula Borough
Luke Hasenbank	Alaska State Chamber of Commerce
Jim Herbert	Temporary Recreation Seat
David Janka	City of Cordova
Melvin Malchoff <i>(via videoconference)</i>	Port Graham Corporation
Dorothy Moore <i>(via videoconference)</i>	City of Valdez
Bob Shavelson	Oil Spill Regional Environmental Coalition
Angela Totemoff	Tatitlek Corporation & Tatitlek Village IRA Council
Michael Vigil	Chenega Corporation & Chenega IRA Council
Aimee Williams	Kodiak Island Borough
Kirk Zinck	City of Seldovia

Members Absent

Patrick Domitrovich	City of Seward
Elijah Jackson	Kodiak Village Mayors Association

Committee Members Present

Savannah Lewis <i>(via videoconference)</i>	IE Committee
Ruthie Knight	IE Committee
Cathy Hart	IE Committee
Steve Lewis <i>(via videoconference)</i>	POVTS Committee
Max Mitchell	POVTS Committee
Mikkel Foltmar	TOEM Committee
Davin Holen <i>(via videoconference)</i>	SA Committee
John Kennish <i>(via videoconference)</i>	SA Committee

Staff Members Present

Donna Schantz

Joe Lally

KJ Crawford

Brooke Taylor

Ashlee Hamilton

Danielle Verna

Roy Robertson

Linda Swiss

Austin Love

Jeremy Robida

Alan Sorum

Amanda Johnson

Maia Draper-Reich

Nelli Vanderburg

Hans Odegard

Jaina Willahan

Executive Director

Director of Programs

Director of Administration

Director of Communications

Financial Manager

Project Manager

Project Manager

Project Manager

Project Manager

Project Manager

Project Manager

Project Manager

Outreach Coordinator

Project Manager Assistant

IT Coordinator

Administrative Assistant

Ex Officio Members Present

Allison Natcher

Lee McKinley

Lisa Fox

Reid Olson

Pete Johnson

Mary Goolie

CDR Patrick Drayer *(via videoconference)*

Scott Pegau

Alaska Dept. of Environmental Conservation

Alaska Dept. of Fish & Game

U.S. Department of the Interior

Bureau of Land Management

Alaska Dept. of Natural Resources

U.S. Environmental Protection Agency

USCG MSU Valdez

Oil Spill Recovery Institute

Others Present

Mike Day

Kate Dugan *(via videoconference)*

Diana Bouchard *(via videoconference)*

Alyssa Sweet *(via videoconference)*

Tiffany Larson

Rebecca Spiegel

Graham Wood

Melissa Woodgate *(via videoconference)*

Anna Carey *(via videoconference)*

Mo Radotich *(via videoconference)*

Dianne Munson *(via videoconference)*

Kimberley Maher *(via videoconference)*

Zuzana Culakova *(via videoconference)*

Alyeska Pipeline Service Company

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Alaska Dept. of Environmental Conservation

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Sarah Moore <i>(via videoconference)</i>	Alaska Dept. of Environmental Conservation
Kara Kusche <i>(via videoconference)</i>	Alaska Dept. of Environmental Conservation
James Merrill <i>(via videoconference)</i>	Alaska Dept. of Environmental Conservation
Jade Gamble <i>(via videoconference)</i>	Alaska Dept. of Environmental Conservation
Jenny Benda <i>(via videoconference)</i>	Alaska Dept. of Environmental Conservation
Sam Saengsudham <i>(via videoconference)</i>	Alaska Dept. of Environmental Conservation
Eileen Oliver <i>(via videoconference)</i>	Bureau of Land Management
Rob Kinnear	Hilcorp Alaska
Angelina Fuschetto <i>(via videoconference)</i>	Crowley Alaska Tankers
Andrea West	Polar Tankers
LCDR Hadley Owen	NOAA Office of Coast Survey
Ian Maury <i>(via videoconference)</i>	Southwest Alaska Pilots Association (SWAPA)
Joe Levesque	Levesque Law Group
Cheryl McKay	Levesque Law Group
Roy Jones <i>(via videoconference)</i>	PWSRCAC legislative monitor (Federal)
Gene Therriault	PWSRCAC legislative monitor (State)
Elise DeCola <i>(via videoconference)</i>	Nuka Research & Planning Group, LLC
Natalie Kiley-Bergen	Council Graduate Student
Jeff Samuels <i>(via videoconference)</i>	Alaska Travel Industry Association
Matthew Melton	International Bird Rescue
Rick Steiner	Oasis Earth
Ron Britton <i>(via videoconference)</i>	U.S. Forest Service
Dr. Craig Benson <i>(via videoconference)</i>	Council independent contractor
Dr. Rob Campbell	Prince William Sound Science Center

Thursday, January 26, 2023

CALL TO ORDER, WELCOME, AND INTRODUCTIONS

A regular meeting of the Board of Directors of the Prince William Sound Regional Citizens' Advisory Council was held January 26 and 27, 2023, at the Embassy Suites Hotel, Anchorage, Alaska. President Robert Archibald called the meeting to order at 8:30 a.m. on January 26, 2023.

A roll call was taken. The following 13 Directors were present at the time of the roll call, representing a quorum for the conduct of business: Archibald, Bauer, Beedle, Crump, Cutrell, Donaldson, Haggerty, Hasenbank, Malchoff, Shavelson, Vigil, Williams, and Zinck. (Angela Totemoff joined the meeting in person at approximately 9:00 a.m.; Mike Bender and Dorothy Moore joined telephonically at approximately 9:00 a.m. and 11:55 a.m., respectively.)

Introductions and Directors' reports followed.

1-0 AGENDA

President Archibald presented the agenda (green-colored sheet) for approval.

Michael Vigil **moved to approve the agenda** (green-colored sheet). Mako Haggerty **seconded** and **the agenda was approved as presented.**

4-1 DIRECTOR APPOINTMENTS FOR CORDOVA DISTRICT FISHERMEN UNITED AND CITY OF CORDOVA

This agenda item was to confirm appointments to two vacant seats on the Board of Directors. A briefing sheet explaining the action requested was included in the meeting notebook as Item 4-1.

Amanda Bauer **moved to confirm** of the appointments of Robert Beedle representing Cordova District Fishermen United, and David Janka representing the City of Cordova to the Board of Directors, each with a term set to expire in May 2024. Kirk Zinck **seconded** and the **motion passed** without objection.

1-1 MINUTES

Amanda Bauer **moved to approve the minutes** of the Regular Meeting of the Board of Directors of September 22 and 23, 2022. Kirk Zinck **seconded** and the **minutes were approved** as presented.

1-2 MINUTES

Amanda Bauer **moved to approve the minutes** of the Special Meeting of the Board of Directors of December 20, 2022. Michael Vigil **seconded** and the **minutes were approved** as presented.

PUBLIC COMMENTS

Rick Steiner of Oasis Earth representing the whales of Prince William Sound submitted written comments on two issues: the need for tanker whale strike reductions in Prince William Sound; and the need for a supplemental Environmental Impact Statement (EIS) on the environmental impact of the Trans Alaska Pipeline System (TAPS).

Steiner spoke of his disappointment about the lack of action or any mitigation measures being instituted to protect the whales in Prince William Sound from strikes by TAPS tankers, and the need for a supplemental EIS on TAPS because of the changes that have occurred since the last one was performed. He asked PWSRCAC to send a letter to the Bureau of Land Management (BLM) or the Department of the Interior (DOI) requesting BLM to do a supplemental EIS which would consider the impact of climate change on TAPS, and the impact of the TAPS operation on climate change. He hoped PWSRCAC would take both issues seriously and take some action. He emphasized that there would be no agency or government action absent a push in the right direction from a citizens' group such as PWSRCAC.

President Archibald thanked Mr. Steiner for his comments and invited him to attend a POVTS Committee meeting on February 8 to discuss these issues further.

INTERNAL OPENING COMMENTS – PWSRCAC TECHNICAL COMMITTEES

TERMINAL OPERATIONS AND ENVIRONMENTAL MONITORING COMMITTEE (TOEM)

Committee Chair Amanda Bauer updated the Board on the TOEM Committee's activities since the last Board meeting:

- TOEM Project Manager Austin Love has submitted his resignation to the Council. He is working part time until March 31 to keep committee projects going until his successor can be hired and he can transition the TOEM responsibilities to his replacement.
- The committee met to discuss and rank potential projects for the next fiscal year.
- The committee met with Dr. Craig Benson and listened to a presentation of his Secondary Containment Liner report. Dr. Benson answered the committee's questions and the committee took action to recommend Board acceptance of the report and distribution to industry and regulators. An in-depth presentation on this topic would be made later in this day's agenda.
- The committee recommended that Taku Engineering's ballast water Tank 93 memo and recommendations be accepted by the Board and distributed to industry and regulators. The Executive Committee approved the Tank 93 memorandum on December 15, 2022, and it was sent to Alyeska and state and federal regulators on January 4, 2023, along with a cover letter requesting Alyeska to provide a written response to the recommendations.
- The committee continued monitoring Alyeska's investigation of the small through-hole found in the floor of crude oil Tank 2 during its out-of-service internal inspection. Hydrocarbon testing of the soil in the vicinity of the hole confirmed that no oil had leaked through it. On October 27, 2022, Council staff Austin Love and contractor Bill Mott from Taku Engineering conducted a site visit at the Valdez Marine Terminal (VMT) to observe the results of Tank 2's inspection. During that visit, Alyeska reported that the pinhole-sized damage was likely a weld defect remaining from when a new floor was installed in the tank in 1994. The Tank 2 pinhole was repaired along with other repairs identified during the inspection. It is expected that Tank 2 will be back in service by February 2023.
- The committee continued monitoring Alyeska's progress to repair the damaged crude tank pressure/vacuum vents and prevent a reoccurrence of similar snow damage in the future. All 144 vents in the East Tank Farm have been repaired.

Alyeska continues to consider engineered solutions (e.g., snow splitters) to prevent damage to the vents in the future.

SCIENTIFIC ADVISORY COMMITTEE (SAC)

Chair Davin Holen updated the Board on the SAC activities since the last Board meeting:

- Long Term Environmental Monitoring Program (LTEMP). 2023 is an expanded monitoring year for the program, which occurs every five years. Project Manager Austin Love will take the lead on field work and logistics while cross-training Project Manager Danielle Verna. Passive sampling devices will be deployed in May and retrieved in June when mussel and sediment samples will be collected. Planning is underway to procure vessel and float plane charters to reach the sites. Owl Ridge will continue to interpret and report results, as well as uploading LTEMP data to the AOOS database. Lastly, a final report of the mussel transcriptional gene response to the April 2020 oil spill should be presented to the Board in May.
- Dispersants. The Council's updated Dispersant Use position is now posted on PWSRCAC's website and has been disseminated to member entities and media outlets. Supporting materials to aid in communicating the dispersant use position will be presented at this meeting by Elise DeCola.

Additionally, Dr. Merv Fingas of Spill Science updated the Council's dispersants literature database with an additional 130 peer-reviewed published papers. Dr. Fingas drafted a report summarizing the findings of the latest research. SAC has reviewed the report and recommends it be sent to the Executive Committee for acceptance.

- Alaska North Slope (ANS) Oil Properties Report. Environment and Climate Change Canada recently submitted the results of their analysis of a 2019 sample of ANS crude oil. The analysis, which was done for the Council free of charge, was delayed due to the pandemic. Dr. Merv Fingas reviewed the results and drafted a summary report. The objectives of the report were to assess how the chemical properties of the sample affect mechanical and non-mechanical response methods; assess how those properties affect the fate and transport of oil spilled in Prince William Sound; and identify how the chemical properties of ANS crude oil have changed over time. Dr. Fingas noted that ANS crude oil has turned into a lighter oil over the years, which is good for economics and oil spill countermeasures. However, if ANS crude oil is spilled, it is still best dealt with using booms and skimmers. SAC reviewed the report and plans to send it to the Executive Committee for acceptance.

- Winter Marine Bird Survey. The third year of Council-supported winter marine bird surveys in and around the tanker escort lanes will be conducted by staff of the Prince William Sound Science Center in March. SAC will discuss the results of the survey later this spring.
- Forage Fish Survey. The results of the fourth year of Council-supported forage fish surveys will be presented to the Board at this meeting by Dr. Scott Pegau. The PWSRCAC funded surveys have met the initial needs of the project to indicate where schools of forage fish are present in the event of a spill response. SAC has recommended the Board accept the 2022 Forage Fish Report at this Board meeting.
- Oxygenated Hydrocarbons. Twelve complete sample sets have been collected from the VMT Ballast Water Treatment Facility and shipped to the University of New Orleans for analysis. SAC anticipates reviewing draft results in May. The lead contractor, Dr. David Podgorski, submitted an abstract to the Arctic & Marine Oil Spill Program (AMOP) related to this project. If that abstract is accepted, this project will be presented at AMOP in June. The committee extended sincere thanks to Alyeska staff for their cooperation and time over the past 12 months.
- Marine Invasive Species. The final datasets have been collected from PWSRCAC's 2022 marine invasive species interns in Cordova, Valdez, and Kodiak. Two of the interns have already completed an outreach presentation about their internship. Fortunately, no European green crab were detected in our region this year. A broadscale survey of marine invasive species is anticipated to take place in Prince William Sound this summer, led by the Smithsonian Environmental Research Center.

Mia Siebenmorgen Cresswell worked with the Council as an invasive species intern for two years in Cordova from 2020-2021. Mia was recently awarded the 2023 Ocean Youth Award from the Alaska SeaLife Center, following a nomination from the Council, for her dedication in promoting the understanding and stewardship of Alaska's oceans. Congratulations, Mia!

- Subsistence Harvest Surveys. The committee reviewed and commented on a draft subsistence harvest survey for the community of Tatitlek prepared by the Alaska Department of Fish and Game (ADF&G). SAC Chair Davin Holen, Project Manager Danielle Verna, the ADF&G social scientist leading the survey, and a project partner from the Chugach Regional Resources Commission created a two-page overview describing the project, reasons for it, and benefits to the community and regional organizations. The project partners will work collaboratively with the Village Council to ensure a community scoping meeting

takes place and the community has a voice in the implementation and content of the survey. This survey may be delayed for one year to ensure adequate community consultation.

- Peer Listener Training Program. The committee reviewed the RFP for Phase 2 of a project to update the Council's Peer Listener Program. In Phase 2, the outdated Peer Listener Training Manual will be updated using recommendations from Phase 1 (which was presented to the Board at its September meeting). Once the Training Manual has been updated, the committee and the project team will make a recommendation to the Board on future phases of the project.
- Science Night. The committee is interested in the Council's feedback on the December 2022 Science Night or suggestions for future Science Night events; those comments may be directed to staff member Danielle Verna.

Holen commended Austin Love for assuming the SAC program manager duties when the previous project manager left, which added to Love's existing duties as program manager of another committee, not to mention his duties conducting long-term environmental monitoring. He thanked Love for spending time with him during his first visit to the VMT and for taking the time to learn more about Holen's interests in SAC projects and direction for social sciences. As program manager, Love spent considerable time helping the committee plan out several years in advance and create an overall program that left SAC in good hands when Dr. Verna took over and Love continued to manage the committee's LTEMP program. Love will be working part time for the next few months and will help with this summer's LTEMP field season. Holen thanked Love for his dedication and service to the organization.

OIL SPILL PREVENTION & RESPONSE COMMITTEE (OSPR)

Chair Jim Herbert updated the Board on the OSPR Committee's activities since the September Board meeting:

- The OSPR committee lost longtime, valued member Jerry Brookman in November. He is greatly missed. The committee is soliciting Matthew Melton, Director of Business Development and Partnerships with International Bird Rescue, to join the committee.
- The committee updated the wording of the OSPR Committee mission statement as they worked through the Long Range Planning process this fall. The amended statement now reads: *"The Oil Spill Prevention and Response (OSPR) Committee works to minimize the risk and impacts associated with oil transportation through research, advice, and recommendations for strong and effective spill prevention and response measures, contingency planning, and regulations."*

- The committee was updated on area and regional planning efforts for the Alaska Regional Contingency Plan (c-plan), and the Prince William Sound, Arctic and Western Alaska, and Inland Alaska c-plans and area committees. The Council submitted comments for the Arctic & Western Alaska c-plan public review in November.
- Additional updates to the c-plans included:
 - The Prince William Sound Tanker C-Plan: Minor amendment including technical information on replacement of aircraft used for dispersant application.
 - VMT C-Plan: Minor amendment removing the requirement for testing hair as part of their drug and alcohol program. Alyeska gets a 5% prevention credit for this program; that percentage did not change with this switch in testing from hair to urinalysis.
- The committee received updates on the Council's work with geotechnical expert Dr. Craig Benson to identify and assess non-destructive evaluation methods to evaluate the integrity of the catalytically blown asphalt liner (a/k/a secondary containment) at the VMT. A presentation on Dr. Benson's report was on the agenda for this meeting.
- The committee was updated on activities in the Geographic Response Strategies (GRS) subcommittee, working to convert statewide GRSs to a GIS-based format.
- The committee was kept up-to-date on staff participation in an Alaska Regional Response Team (ARRT) initiated task force, working to construct a job aid for Regional Stakeholder Committee (RSC) members. An update on this process would be presented later in this Board meeting.
- The committee was updated on various weather-related projects, including the repair of the Cape St. Elias tower weather station and routine maintenance on the Port Valdez weather buoys.
- The U.S. Forest Service issued a permit to PWSRCAC for installation of a weather station on Kokenhenik Island in the Copper River Delta. Council staff has been working with the contractor to build the weather station. This station is expected to be installed and running by May 2023.
- Contractor Rob Campbell presented the draft Valdez Weather Buoy data analysis report to the OSPR Committee. The committee has recommended the report be presented to and accepted by the Board at this meeting.

Herbert pointed out that more information on all ongoing projects of the OSPR Committee could be found under Section 5 of the Board meeting notebook.

PORT OPERATIONS AND VESSEL TRAFFIC SYSTEMS COMMITTEE (POVTS)

Chair Steve Lewis noted that the Port Operations and Vessel Traffic Systems (POVTS) Committee was short on members and welcomed suggestions for adding members who have marine operations experience. He went on to outline the efforts of the POVTS Committee since the last Board meeting:

- The committee met to discuss and decide on potential projects for the next fiscal year. Two projects were put forward: a tsunami hazards guidance workshop for vessel operators in the Sound, and a state of industry tug technology review. The workshop would be similar to PWSRCAC's firefighting workshops in the past.
- Project 8300 - Sustainable Shipping: This project is a review of the evolving regulatory framework for reduction of ship-generated emissions. Phase one is a regulatory review of the international, federal, and state regulations that are driving the decarbonization of shipping effluent and several new IMO regulations that are coming into effect this year that are going to significantly drive that transition. Contractor Nuka Research and Planning Group, LLC has started work on this project.
- Project 8520 - Miscommunication in Maritime Contexts: Contractor Dr. Nicole Ziegler has started work on Phase 1 of this project. Phase 1 is essentially a review of the prevalence and severity of miscommunication in the English language in Prince William Sound and its potential impact on our area of concern in the Sound. Phases 2 and 3 will be determined in future fiscal years, depending on the results of Phase 1.
- The next meeting of the committee will be by Zoom on February 13 at 1:00 p.m. Lewis reiterated an earlier invitation made to Rick Steiner to attend this meeting, as well as inviting anyone else who may be interested in Steiner's comments. He will contact Steiner in the interim to talk about where Lewis thinks the conversation would be appropriate to go in the context of the POVTS meeting. Also, at that meeting the committee will discuss possible future projects, one of which being the possibility of reviewing pilot safety, and the other a review of bio-fouling prevention in this country. Both of these issues have come to the committee's attention in light of recent news coverage.

INFORMATION AND EDUCATION COMMITTEE (IEC)

Aimee Williams reported for the Information and Education Committee (IEC). She reported the committee had had three regular meetings and one project team meeting since the last Board meeting in September.

- Community Outreach. Since the last Board meeting, Outreach Coordinator Maia Draper-Reich taught guest lessons at Seward Elementary School, Seward Middle School, and Prince William Sound College. Council staff also visited Gilson Middle School in Valdez and were interviewed by three classes of 7th grade students learning about local economy.

At the Arctic and Western Alaska Area Committee meeting in the fall of 2022, Draper-Reich and Project Manager Jeremy Robida presented about the Council's mission and structure and highlighted ongoing work that was relevant for that group.

In November, Draper-Reich and POVTS member Max Mitchell had the opportunity to share the Council's mission and work while staffing the Council booth at Pacific Marine Expo in Seattle.

The New Orleans Regional Planning Commission's Emergency Preparedness Partnership also reached out to Draper-Reich to give a virtual presentation earlier this month. She shared information about the Council and lessons learned following the Exxon Valdez disaster.

IEC member Kate Morse contributed to the Council nomination that led to Invasive Species Intern Mia Siebenmorgen Cresswell earning the Ocean Youth Award from the Alaska SeaLife Center (mentioned in the SAC report). IEC is glad to support honoring a young person like Mia Siebenmorgen Cresswell who has engaged in and shared the Council's work in a dedicated way.

IEC is looking forward to continuing its outreach efforts at the Alaska Forum on the Environment in February and the Alaska Tsunami Ocean Sciences Bowl in March.

- Youth Involvement. IEC accepted five final reports from the following four contractors as complete and meeting all deliverables: Center for Alaskan Coastal Studies, Copper River Watershed Project, University of Alaska Anchorage, and Alaska Geographic.

A contract with the Prince William Sound College is still ongoing and scheduled to be completed at the end of the fiscal year.

IEC's most recent Youth Involvement RFP received nine project proposals. The committee voted to use the remaining Youth Involvement budget for FY2023 to provide funding for six of these proposed projects.

- Web Presence BAT. After a lengthy search, IEC was excited to announce the selection of a new website contractor for the Council's three websites. Staff was coordinating onboarding for Cindy Bouchard of FlipFlop Freelance. Bouchard specializes in WordPress Content Management Systems, which has been used to build all of the Council's websites. She is an excellent fit for the Council's needs and will help ensure that the Council's websites and web presence maintain the best and most up-to-date technology available.
- Other. Both IEC and the Executive Committee voted to approve IEC member Cathy Hart's travel to Denver, Colorado, to attend the 2023 Nonprofit Technology Conference happening in April. This conference teaches essential nonprofit technology best practices and helps establish connections with others who are committed to social change.
- IEC was still looking for recommendations for a new committee member.

(This concluded the Opening Comments of PWSRCAC's Technical Committees.)

INTERNAL OPENING COMMENTS -- PWSRCAC BOARD SUBCOMMITTEES

LEGISLATIVE AFFAIRS COMMITTEE (LAC)

Mako Haggerty reported for the Legislative Affairs Committee (LAC) in lieu of Chair Dorothy Moore. He reported that the committee had four project team meetings since the September Board meeting. At those meetings the committee was provided updates from the Council's federal and state legislative monitors and PWSRCAC staff on issues of interest, including Dr. Craig Benson's report on the VMT secondary containment liner, the VMT tank vent damages from excessive snow and ice buildup on the tank tops in 2022, and Alaska oil spill planning criteria legislation.

Activities Since the Last Board Meeting:

- The committee received periodic updates from the Council's state and federal legislative monitors on the Governor's proposed budget, potential bills that could be reintroduced, and topics of interest to the Council.

State:

- A number of the bills being followed/supported by PWSRCAC failed to pass before the end of the last legislative session. PWSRCAC and LAC have been closely following the organization of the House and Senate following the mid-term elections in November. Now that that organization has taken place, LAC will have a better idea of which bills of interest to the Council will be reintroduced. Any bills that are reintroduced will start over in the legislative process and will need PWSRCAC's support in the future.

- The bills that might potentially be reintroduced in the current session would be related to the refined fuels surcharge increase which is needed to provide a stable funding source for the Alaska Department of Environmental Conservation's Spill Prevention and Response (SPAR) Division, PFAS legislation, and legislation to establish an Alaska Invasive Species Council.

Federal:

- PWSRCAC and LAC continue to track and support the Oil Spill Liability Trust Fund (OSLTF) legislation which was previously proposed by Senator Dan Sullivan but has since expired. PWSRCAC staff and its legislative monitor will be working to identify potential sponsors for a similar bill and will continue to support future OSLTF legislation by offering advice and recommendations.
- The committee has been kept up to date on the House transition of power in Washington, D.C., and how this might impact PWSRCAC's issues and concerns going forward.
- PWSRCAC and LAC continued to track Alaska oil spill planning criteria legislation that was originally included in the 2022 Congressman Don Young Coast Guard Authorization Act, but which was eventually passed in the Senate in the 2023 National Defense Authorization Act. The final bill included many of the recommendations made by PWSRCAC and included the exemption language that covers TAPS tankers operating in Prince William Sound.

LAC Priorities Going Forward:

- LAC's top state legislative priority continues to be the long-term sustainability of the Alaska Department of Environmental Conservation's Spill Prevention and Response (SPAR) Division. LAC will continue to support legislation proposing a raise of the refined fuels surcharge in order to provide a stable funding base for the SPAR Division in the future. The Governor's proposed FY2024 budget represents *status quo* operations for SPAR. However, due to the ongoing shortfall in revenues generated by the assessment on throughput of TAPS and the existing refined fuels surcharge, the Governor's proposed budget relies on an uncertain infusion of general fund dollars.
- The committee will continue to monitor potential changes to ADEC regulations and possible statute changes associated with the department's regulatory reform. The revised c-plan regulations were adopted and approved by the Lieutenant Governor on January 6, 2023 and will go into effect in early February 2023. PWSRCAC staff, with contractor support, are currently reviewing the regulations to determine where the significant changes were

made and what the potential implications are. LAC will be provided updates on the outcome of this review at future meetings.

Haggerty noted that there would be a lot of work to do in the coming year and thanked staff for their support of the committee.

BOARD GOVERNANCE COMMITTEE (BGC)

Luke Hasenbank reported the Board Governance Committee met on January 17, 2023, to review legal opinions provided by the Levesque Law Group and discuss procedural requirements and potential bylaw amendments specific to the creation and filling of a temporary recreation seat. This meeting resulted in the committee recommending that the Board approve the proposed bylaw amendments and associated actions at this Board meeting (under Item 4-9).

FINANCE COMMITTEE (FC)

Treasurer Wayne Donaldson reported that due to the transition to the new accounting system, the Finance Committee (FC) had not been able to meet since the September Board meeting. Staff has been working through the settings and report features of Sage Intacct and has carefully handled how each detail is presented. The committee planned to have a meeting in mid-to-late February where the December 31, 2022 financials would be presented, as well as any other important items that have come up.

More detail on the new accounting system, as well as the new payroll system, will be presented to the Board during the Financial Manager's Report to the Board under agenda Item J on the following day's agenda.

The Board would be asked to approve current fiscal year budget modifications at this meeting (Item 3-3 on the Consent Agenda). The Finance Committee has reviewed those budget modifications and did not have any questions.

(This concluded the Opening Comments of PWSRCAC's Board Subcommittees.)

EXTERNAL OPENING COMMENTS - EX OFFICIOS

ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION (ADEC)

Allison Natcher reported that ADEC had performed inspections of the snowpack at the VMT and was also working with Alyeska and the shippers on their c-plan renewals and major amendments in the next few months and the changes to Article 4 Oil Discharge Prevention and C-plan regulations. Natcher pointed out that SPAR Director Tiffany Larson would update the Council during the afternoon session on the changes to Article 4 and answer questions on this and other issues.

Natcher announced that there would be a presentation on ADEC's GRS to GIS project at the Alaska Forum on the Environment giving more details on the project, demonstrating how ADEC went through the process and how the GRSs look now.

ALASKA DEPT. OF FISH AND GAME (ADF&G)

Lee McKinley, the ADF&G liaison to the Joint Pipeline Office, had no specific report but was there to gather information and answer questions the Board might have.

Mako Haggerty inquired as to the point person within the agency for invasive species. McKinley did not have that information on hand but would follow up and provide it to PWSRCAC after the meeting.

OIL SPILL RECOVERY INSTITUTE (OSRI)

Dr. Scott Pegau reported that OSRI was involved in several projects. One of the things he has tried to pitch to PWSRCAC is the need to update the environmental sensitivity index (ESI) maps. These are the maps that USCG will open first when looking at an oil spill response in Prince William Sound. The process to get these maps updated falls to NOAA, but NOAA does not have funds available to do it in the way they have done it in the past which has been to update every piece of information in the map at once. OSRI is currently supporting the update of the bird habitat layer in Cook Inlet. OSRI is doing this to demonstrate that the map does not have to be updated all at once; rather, it can be done affordably one layer/section at a time. Pegau pointed out that the need for updates becomes obvious when one pulls up the electronic maps and certain species or seasonal species information is missing. He also noted that it had been 20 years since OSRI and PWSRCAC supported the last updating of the maps. Some of the missing information may have been lost in the transition to the electronic maps, but even so, if one is familiar with the area, one would know how out of date the information that is in those maps. He pointed out that NOAA's ERMA mapping interface can pull up other information but one has to know to look for it. He emphasized the importance of these documents in spill response because they are the first things people are going to look at in mounting a response. Pegau stated that he had been encouraging almost everyone he meets on the importance of updating these documents. The more he looked at them, the more concerned he was that someone will actually try to use the outdated information in the event of a spill.

Other projects OSRI was working on include:

- A science of oil spill remote learning course that can be used at multiple different levels. It is his hope that parts of the course can be incorporated into the HAZWOPER curriculum.
- Development of a fluorosensor to be flown on small, unmanned aircraft. The fluorosensor provides a better identification of oil at night, particularly diesel oil. OSRI is building it with the idea that it could be flown on a small aircraft, but it

could also be used on a small boat or handheld. Initial tests have shown that oil can be detected from over 50 ft away and there are ways to use shipboard systems to get much farther than that, and it is useful to be able to develop new tools to detect oil in the dark.

Angela Totemoff encouraged OSRI and PWSRCAC to work together to explore what the two organizations could do in terms of internships and career possibilities for young individuals. Pegau agreed with Totemoff but also pointed out that OSRI had just offered an RFP for internships and no one applied, and so they needed to find a different way to make those kinds of offerings work. He offered to meet with Totemoff to explore some alternative approaches coming online that may be useful in this regard.

Break: 9:44 a.m. – 10:00 a.m.

ALASKA DEPT. OF NATURAL RESOURCES (ADNR)

Peter Johnson introduced himself as the new ex officio designee to PWSRCAC for the State Pipeline Coordinator's Section of ADNR's Division of Oil & Gas. With regard to TAPS, his primary role as a lease compliance specialist is ensuring that all measures of the TAPS lease are upheld. It involves a lot of surveillance of the pipeline - a statewide inspection - and working with the Joint Pipeline Office (JPO), including the various federal agencies along with all the other divisions within ADNR. His experience is primarily in land management, not engineering, but he often has an engineer with him when he does inspections.

Wayne Donaldson asked about the erosion/subsidence of TAPS in certain areas due to climate change and whether that fell within Johnson's responsibilities. Johnson clarified that his inspection responsibilities cover the entire pipeline and the right-of-way. Any issues he sees are recorded and then submitted in reports as repairs or issues that need to be addressed within the Division of Oil & Gas or coordinated with other agencies.

Donaldson asked Johnson if ADNR could provide the Council with a brief overview of the condition of the pipeline at a future Board meeting, particularly on areas of the pipeline closer to Valdez.

Bob Shavelson echoed Rick Steiner's earlier comments to the Council that the EISs that were previously done were fairly incomplete. He asked if Johnson had observed any climate change-related impacts along the TAPS corridor, such as erosion or subsidence. Johnson stated that it would be generally hard to classify an issue as definitively related to climate change without further investigation. Observations are simply recorded as something that has changed or is not as it was before. Shavelson asked if there was a log/record of those observations, and Johnson confirmed that ADNR keeps a log but it is not a log of frequency *per se*, but a log of needed repairs, such as if ADF&G needed to repair a culvert or something of that nature.

Project Manager Austin Love asked Johnson to explain the coordination and division of responsibilities of the various federal and state agencies regulating the pipeline, but specifically at the VMT. Johnson explained that the authority and responsibility of the state of Alaska falls generally to issues with state lands, which basically ends at the VMT, including the State Pipeline Coordinator's responsibilities, but there are other liaisons with the state that are allowed certain privileges. The coordination with the federal agencies occurs in the Joint Pipeline Office where federal and state agencies coordinate, share, and disseminate information back and forth constantly to ensure a safe, responsible running of the TAPS line from extraction of the oil to its transportation.

Project Manager Linda Swiss asked if there was documentation PWSRCAC could access that captures that coordination or the handoffs of information between the federal and state agencies in the JPO, adding that it has been hard for PWSRCAC to follow the interactions of the JPO and the various state and federal agencies. Johnson said he would find out and report back.

Michael Vigil asked if Johnson's responsibilities took him physically into Prince William Sound. Johnson stated that since ADNR's responsibilities end at the VMT he is not in the Sound much.

ADF&G's Lee McKinley reported that all the agencies within the JPO meet once a month for a coordination meeting.

Amanda Bauer remarked that the information Johnson had provided at this meeting about the inter-agency workings of the JPO was the most the Council had been able to glean in a while, despite many requests to the JPO for such explanations. She thanked Johnson for the information and stated that any additional information he could provide would be useful to the Council.

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

Mary Goolie, a planner with EPA's Emergency Response Office in Anchorage, reported that she was also the EPA's coordinator to the Alaska Regional Response Team (ARRT), along with representatives from ADEC and USCG (a tri-chair position). She reported that a new ARRT coordinator had recently been appointed by the USCG and who was also located in Anchorage.

She announced that the next ARRT meeting will be March 8 in Anchorage. She thanked both PWSRCAC's Executive Director Schantz and Mike Munger of Cook Inlet Regional Citizens Advisory Council for providing dates for minimizing conflicts. The schedule going forward from March will be to meet twice a year -- in September 2023 and then again in March 2024.

Goolie announced that the Alaska Inland Area Admin Subcommittee will be looking at updating the Alaska inland Area c-plan on March 6 in the Atwood Building in Anchorage.

She thanked PWSRCAC staff who participated in the Regional Stakeholder Committee (RSC) task force meetings. The coordinators for the ARRT were asked by the co-chairs to form a task force to create job aids for the liaison officer and the RSC. The task force will also look at updating the language of the original regional stakeholder committee in the area c-plans as well. The task force is using the Constant Contact program, in conjunction with partners ADEC, USCG, and EPA, to get information out on all of its area committee meetings, subcommittee meetings, ARRT meetings, etc. She directed anyone interested who was not receiving information to sign up for notifications via their website.

U.S. DEPARTMENT OF THE INTERIOR (DOI)

Lisa Fox introduced herself to the Council as the recently designated replacement for Phil Johnson for the Department of the Interior (DOI) to PWSRCAC. She is with the Anchorage Office of Environmental Policy and Compliance. It is a small office (two personnel) that works primarily on oil spill response and NEPA guidance and oversight for the DOI bureaus.

She thanked PWSRCAC for its work and input on the Arctic and Western Area c-plans.

She reported that as part of her ARRT duties she chairs the Wildlife Protection Committee which has wildlife protection guidelines on the Pribilof Islands out for public review. While not directly related to PWSRCAC's geographic area, she invited those interested to review them for informational purposes.

She reported that she also co-chairs the Cultural Resources Protection Committee under the ARRT. That committee is working on the Alaska implementation guidelines for the National Programmatic Agreement which protects cultural resources during a spill.

She reported that the committee would be doing administrative updates only to the wildlife guidelines in the next year or so.

She pointed out that a Federal Register notice had been published that day for the Exxon Valdez Oil Spill Trustees Council Public Advisory Committee (PAC), opening nominations for positions on that committee.

Steve Lewis spoke of the importance of the PAC group and emphasized that the need for the group to remain vocal and outspoken had probably never been greater. He encouraged anyone interested in participating to put their name forward. Lisa Fox added that it is an important group, with federal standing under the Federal Advisory Committee Act (FACA) and is special in that it has a designated federal officer assigned to it, which is the function that Fox's office provides to the PAC. Amanda Bauer disclosed

that she serves on the PAC at the present time, as well as Patience Andersen Faulkner and George Skladal. She was undecided whether she would put her name forward to serve again.

UNITED STATES COAST GUARD (USCG)

CDR Patrick Drayer reported on the following USCG/MSU-Valdez activities since the Board's September meeting:

He reported that the Coast Guard Authorization Act was wrapped into the National Defense Authorization Act and included alternative planning criteria for Western Alaska and both the Captain of the Port zones of Arctic and Western Alaska and Prince William Sound, and that tasking within the statute would probably take two years to implement. Exemptions for TAPS-trade tankers were included in the Act, so there should be no impact to tanker companies.

CDR Drayer reported that the radars and communications systems in the Sound were good and everything was operational. He had no more information on the result of the National Vessel Traffic System program needs assessment that is looking at long-term future needs.

Capt. Ian Maury of SWAPA had some questions about the alternative planning criteria. He pointed out that while it will not apply to TAPS tank vessels in the Sound, as they fall under USCG Vessel Traffic System (VTS) and the response plan surrounding that, the pilots have had issues with passenger ships in the Sound being routed by the Marine Exchange. It appears there are two competing alternative planning criteria between the Alaska Chadux Network partnered with the Marine Exchange and the other called One Call Alaska. None of this information is outlined in the pilotage regulations, so the pilots do not know who they are employing because it is part of an OSRO and they have different plans depending on who they are employing. Maury asked whether this confusion would be cleaned up through this alternative planning criteria.

CDR Drayer responded that alternative planning criteria is simply a mechanism to ensure a vessel can be in compliance with the vessel response plan (VRP) requirements within a certain Captain of the Port (COTP) zone; so, when USCG Headquarters accepts an alternative planning criteria, this Act will streamline and cleanup some of those issues to some extent. There will continue to be multiple organizations that are able to apply for and have alternative planning criteria accepted; there is nothing in the Act that states only one company may do it. But it will still be incumbent upon each vessel operator to know they are transiting through any given COTP zone to ensure they have an approved VRP which includes that alternative planning criteria as necessary.

ALASKA DEPT. OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (ADHSEM)

(No report.)

BUREAU OF LAND MANAGEMENT (BLM)

Reid Olson, an acting supervisor for BLM located in Fairbanks, reported on BLM's activities since the last Board meeting:

- Attended tabletop drills and equivalent deployments – Oct 11 & 12, 2022.
- Completed the concurrence of the VMT C-plan for 2023.

For 2023, BLM's routine activities related to PWSRCAC will include:

- An assessment of the VMT C-plan for 2022.
- Tracking all the VMT exercises completed.
- Planning to attend the oil spill exercise planning meetings, VMT coordination workgroup meetings, Prince William Sound Area Committee meetings, and the Alaska Regional Response Team meetings.
- Planning to attend all VMT major oil spill exercises.
- Planning one or more oil spill equipment inspections at the VMT.
- Continue to monitor the Alaska hire program.
- Processing applications for temporary land use and grants of rights-of-way and contracts for minimal material sales.

In response to inquiries from Jim Herbert about BLM's staffing relating to TAPS, Olson reported that there was one person stationed in the Valdez office, one vacant position in Valdez with no plans to fill the position soon, staff in Anchorage, and three stationed in Fairbanks, including himself.

As to compliance with the Native Hire Agreement, Alyeska's Mike Day reported 23.8% compliance overall, including contractors and Alyeska. Alyeska alone was at 27.2% compliance, and the reporting contractors 20.3%

Following up on her earlier request to DOI, Project Manager Linda Swiss stated that PWSRCAC would be interested in getting more information from BLM on its activities and interactions with the other agencies within the JPO. She emphasized to Olson the importance to PWSRCAC of having this understanding of the agency interactions. Olson explained that when they coordinate efforts at the JPO to come up with a decision, they issue a JPO letter with signatures of all the agencies, and that is their record. BLM works with its partners in the JPO within their regulatory authority and it comes together either as a JPO letter or an individual agency letter to Alyeska. Olson will check whether these documents would require a records request in order for PWSRCAC to obtain copies.

NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA)

LCDR Hadley Owen with NOAA's Office of Coast Survey spoke to the Council on NOAA's transitioning from paper to electronic navigation charts (ENC). She reported that the

transition across the U.S. began in 2021 and is about halfway completed, with a target completion of January 2023. It is targeted for larger vessels under USCG regulations but it will impact all vessels that are using digital versions of paper charts. As part of this transition, NOAA is rescheming its ENC's to have more consistency in scale from region to region. In process at that time was the eastern half of Prince William Sound. The first edition of a new chart for the Columbia Bay and Glacier would be coming out in the next month and will be based almost exclusively on the track line data from Stan Stephens Cruises covering 2017-2019. A second edition of the chart will come out in June-July 2023 and will include the surveying data from NOAA's ship Fairweather.

Owen mentioned that she was asked by the National Weather Service to make sure PWSRCAC was aware of the upcoming changes to the marine zones in Prince William Sound (and statewide) which would come into effect on March 8, 2023. The marine zone changes will give better resolution for nearshore versus offshore areas of the state and they will also change marine zones in Prince William Sound from one to four. More information was available on the website weather.gov/Alaska/marine.

Mako Haggerty voiced his disappointment about losing paper charts, saying that one could make one's own notes on the paper charts. Owen said that there would be an interface under NOAA Custom Charts where one could go and create a PDF of an area from an ENC and print it. All charts will also be archived in NOAA's historical charts (historicalcharts.noaa.gov), but they will not be updated henceforward.

Owens offered to assist and answer further questions on the transition to ENC's and may be reached at alaska.navmanager@noaa.gov.

U.S. FOREST SERVICE (USFS)

(No report.)

(This concluded the External Opening Comments of PWSRCAC's Ex Officio Members)

EXTERNAL COMMENTS – TAPS SHIPPERS, OWNER COMPANIES, AND PILOTS

CROWLEY ALASKA TANKERS (CAT)

Angelina Fuschetto reported that Crowley Alaska Tankers transported 25.7 million barrels of oil from the Valdez Marine Terminal (VMT) without incident in 2022. The California and the Washington were continuing to operate on the West Coast and they were also trading into Cook Inlet. The Oregon was down in the Gulf of Mexico and was operating in the East Coast trades at the present time.

She noted that the company was coming up on its 5th anniversary of operations in April 2023.

POLAR TANKERS

Andrea West reported Polar Tankers had transported 87 loads totaling 67.9 million barrels of oil from the VMT in 2022 without incident, and seven loads totaling 5 million barrels YTD 2023.

Two bridge resource management courses were planned for the fall 2023 in Seward, and there were two shipyards planned for 2023: June 2023 for the Resolution, followed by the Discovery, and both will have their ballast water treatment systems installed.

ALASKA TANKER COMPANY (ATC) AND HILCORP

Rob Kinnear made a combined report for Alaska Tanker Company and Hilcorp in the absence of ATC's Chris Merten.

The combined activity for ATC and Hilcorp in 2022 was 63 vessel loadings in Valdez, totaling 61.8 million barrels without incident; 62 of the 63 loadings were on ATC ships, and one foreign flagged charter (the Sabine) last spring which carried out 940,000 barrels.

To date in 2023, there had been seven loadings, all on ATC ships, totaling 5.5 million barrels. The outlook for 2023 was that all their cargos would be going to the West Coast since West Coast demand had come back strong. There were no foreign flagged charters planned for 2023 at that time.

Shipyards were planned for the Explorer and the Navigator during the second half of 2023. If scheduling problems should arise for those shipyards, that could trigger the need for a foreign flagged charter.

Planning for the 2023 Prince William Sound spill drill, scheduled for the week of May 13 was going well. It will be an in-person and virtual exercise.

MARATHON

(No report.)

SOUTHWEST ALASKA PILOTS ASSOCIATION (SWAPA)

Capt. Ian Maury reported that SWAPA had had a board meeting the previous day with the state, and the association had gone from 15 to 16 marine qualified pilots and added one additional deputy pilot, making 19 qualified pilots at that time, which was one more than they had in 2022. This should be more than an adequate number of pilots to cover the TAPS trade and the increase in cruise traffic.

He will meet with Alaska Chadux Network soon to discuss the new requirements under the recently passed Coast Guard Authorization Act; however, with the exemption of the TAPS trade vessels under that Act he did not anticipate any major regulation changes or issues with the current vessel response and escort plans.

(This concluded the External Opening Comments of TAPS Shippers, Owner Companies, and Pilots.)

Break: 11:16 a.m. - 11:27 a.m.

ALYESKA/SERVS ACTIVITY REPORT

Alyeska's Emergency Preparedness & Response Manager, Mike Day, delivered Alyeska/SERVS' activity report for the 2022 calendar year in the absence of its Director Andres Morales.

VMT Operations:

- Operations: (As of 12/31/2022)

	<u>2022</u>
○ Tankers Loaded	202
○ Tankers Escorted	211
○ Barrels Loaded	176,446,377
	<u>Since start up</u>
○ Tankers Loaded	23,286
○ Tankers Escorted	14,605
○ Barrels Loaded	18,539,689,449

- Safety: (As of 12/31/2022)

○ Days away from work cases	3
○ TAPS Combined Recordable Rate %	0.68

- Environment (Valdez): (As of 12/31/2022)

○ Spill Volume (Gallons)	7.8
○ Number of Spills	6

Fishing Vessel Availability by Port (end of 4Q 2022):

<u>Port</u>	<u>Tier 1</u>	<u>Tier 2</u>
Valdez	20	16
Cordova	22 (7 Rapid Resp.)	106
Whittier	6	14
Seward		24
Homer		37
Kodiak		34
Totals	55	231

2022 Contingency Plan Activities:

- VMT Contingency Plan Minor Amendment 2022-1:
Published December 2022.
- Prince William Sound Tanker Contingency Plan Minor Amendment 2022-1:
Published December 2022.

2022 4th Quarter Training & Exercises Completed

- VMT IMT Exercise 10/11 – 12.
- Wildlife Training in Valdez 10/17 – 19.
- Wildlife Training in Cordova 10/19 – 21.
- Nearshore Operational Readiness Exercise (ORE)
 - Nelson Bay 11/3.
- Unannounced Decontamination Exercise 12/7.

2023 Contingency Plan Activities:

- 18 AAC 75, Article 4.

2023 VMT/Prince William Sound Upcoming Training & Exercises:

- 3/23 VMT IMT Training Exercise.
- 4/20 2023 VMT Wildlife Equipment Deployment.
- 5/16 Prince William Sound IMT Exercise – Hilcorp.
- 10/3 SCAT Training.
- 10/4 VMT IMT Exercise.
- Spring Fishing Vessel Training.
 - Kodiak 3/29 – 4/2.
 - Homer 4/3 – 4/8.
 - Seward 4/9 – 4/12.
 - Whittier 4/13 – 4/17.
 - Cordova 4/17 – 4/26.
 - Valdez 4/27 – 5/3.

2023 VMT Snow Removal:

- Tank Pressure Vacuum Vents (PVV) Repairs.
 - 3 tank nozzles fitted with encapsulation assembly.
 - 3 tank nozzles fitted with blind flange.
 - All other PVVs repaired.
 - Tank 2 return to service.
- Snow Removal Updates.
 - Policies and Procedures (priorities, practices).
 - Monitoring and reporting.
 - Staffing plan.

2023 Valdez Major Maintenance:

- Replace sulfuric acid tank with HDPE tank.
- Tank 93 – Internal API653 Inspection.
- Tank 93 – Annular Ring Replacement.
- DAF Cell 6 – Repair and Coat.
- Tank 8 – Isolate, Clean and Remove from Service.
- Berth 4 Header & TK-93 Branch Leg Ballast System Inspection.
- VMT 48" Crude A & B Header ILI Inspection.
- OSRB 5 (Mineral Creek) – Construction.
- 500-2 – Shipyard.

Day supplemented the power point presentation with the following comments:

- Throughput increased in 2022 by 6,000 bbls/day over 2021 and was the first increase since 2017.
- 2022 was the 45th anniversary year of operations for Alyeska.
- Some changes will be made to the Fishing Vessel Training; on-land equipment stations will be run again. These went away during the pandemic.
- 2023 C-plan activities will focus on the changes to Article 4, 18 AAC 75, and how it will affect Alyeska and renewal of its VMT C-Plan in 2024. Alyeska will need to submit its application in the latter part of 2023.

(Dorothy Moore joined at 11:55 a.m. 16 Directors present.)

Project Manager Austin Love thanked Day for the update on the snowpack removal and the in-line inspection (ILI) update. He pointed out the substantial time and effort that Alyeska put into remediating all the pressure vacuum vents on the storage tanks. Love also commented on the in line inspection (ILI) work (which was not required by state or federal regulations) but was good engineering practice to make sure that the crude oil of piping was being well maintained. He also asked about the decision to take Tank 8 out of service for an indefinite period of time. It was his understanding that a new floor and cathodic protection system was to be installed on that tank. Day stated that the tank would be out of service indefinitely but if it were to be returned to service that work on the floor and the cathodic protection would be done at that time.

Amanda Bauer asked about the SERVS tugs' drydock inspections. Day explained that because all the ECO tugs came into the SERVS fleet as new vessels at the same time, their inspections were all due the same year. To avoid that, Alyeska started the inspections early, in 2022. Two of the five tugs have completed their UWILD (under water in lieu of drydock) inspections, one is in progress, and the other two will have theirs done later in 2023. This will stagger their drydocks in the future.

Robert Beedle asked if SERVS could help with a deterrent on its buoys at the Nuremberg Hatchery so the sea lions cannot haul out on them. The sea lion haul-outs are causing problems with the amount of brood stock they consume. Day responded that Alyeska had been in touch with leaders at Prince William Sound Aquaculture Corporation recently and others to address that very issue.

At the request of Bob Shavelson, Day gave a brief overview of the handling of the tankers' ballast water and the VMT's operation of the Ballast Water Treatment Facility (BWTF). Austin Love added that in the last review of the effluent concentrations coming out of the BWTF under Alyeska's water quality permit, there had not been any violations of the state standard in the effluent concentrations; rather, to the contrary, they were so low that Alyeska did not have a specified limit under its new permit, because there was very low risk of exceeding that state standard. He noted that there was a PWSRCAC project upcoming in the next fiscal year to look at the effluent that is currently coming out of the BWTF.

For the Good of the Order

Executive Director Schantz pointed out that Items 3-1 and 3-2 were in reverse order in the meeting notebook from their designation on the agenda.

Schantz also asked those who wished to express farewell sentiments to staff members Austin Love and Gregory Dixon to sign the books at the back of the room.

Lunch Break: 12:20 p.m. – 1:00 p.m.

CONSENT AGENDA

The Consent Agenda consisted of three items (3-1, 3-2, and 3-3).

Mako Haggerty pulled Item 3-1 - Approval of Marine Invasive Species Sole Source Contract [3-2 in meeting notebook]. Item 3-1 was placed under Item L – Consideration of Consent Agenda Items for the following day.

Amanda Bauer moved to approve the consent agenda, with the exception of Item 3-1 [3-2 in meeting notebook] as follows:

- **3-2 APPROVAL OF LTEMP BUDGET MODIFICATION AND CONTRACT CHANGE ORDER [3-1 in the meeting notebook]**

Authorization of a FY2023 budget modification from the contingency fund to project #9510 – Long Term Environmental Monitoring Program adding \$836 for contract expenses, and approval of negotiation of a contract change order, for Contract 951.22.06, with Owl Ridge Natural Resource Consultants, adding \$5,058 for compensation to archive the 1993-2021 Long Term Environmental Monitoring

Program data in the Alaska Ocean Observing System and extending the term of the contract to March 31, 2023.

- **3-3 APPROVAL OF FY2023 BUDGET MODIFICATIONS**

Approval of the FY2023 budget modifications as listed on the provided sheet, with a total revised contingency in the amount of \$128,778.

Angela Totemoff **seconded** and **the motion passed** without objection.

4-2 REPORT ACCEPTANCE AND CONTRACT CHANGE ORDER APPROVAL: SECONDARY CONTAINMENT SYSTEM EVALUATION METHODS

Project Manager Austin Love introduced two action items requested of the Board under its secondary containment evaluation project (Project 6512): (1) approval of the contractor's report; and (2) approval of a contract change order.

Love briefly recapped the history of this project and the Council's concerns, and the decision of ADEC that by October 2023 Alyeska must come up with "preliminary" methods to evaluate the integrity of the catalytically blown asphalt (CBA) liner in the East Tank Farm and identify "final" methods by March 1, 2025.

Love introduced Dr. Craig Benson, the Council's project contractor, who reviewed with the Council how his assessment of the CBA liner testing methods was conducted, presented his results, and report.

A detailed briefing sheet (Item 4-2) was included in the meeting notebook along with a copy of the report (Item 4-2 Attachment).

Dr. Benson's recommendations were as follows:

- Employ electrical leak location and/or electrical resistance tomography (ERT) methods to evaluate the CBA liner across **all containment cells** in the East Tank Farm.
- To estimate the total number of defects, Alyeska would need to evaluate at least 20% of the area.
- To detect and locate all defects, Alyeska would effectively need to evaluate the **entire area** of the buried liners.
- Conduct a pilot study of electrical leak location and ERT methods in West Tank Farm – at least 20% of area, with direct visual inspection afterwards to validate the results.

Following Dr. Benson's presentation, Board members engaged with him on specific questions related to his methodology.

In response to questions from Bob Shavelson regarding improvements in technology as alternatives to CBA liners, Dr. Benson stated that CBA liners are no longer used in the industry today because it is now known there are shortcomings with them. Industry best practice at the present time is to use factory manufactured geomembranes, which are high density plastic sheets. Even with that system, they are built with an underlying composite clay-type liner to create a system which has a very low leakage rate. He commented that the CBA liner system at the VMT is unusual and is not generally seen today.

Shavelson opined that this is an economic decision for Alyeska. The CBA liners were put down in the 1970s, and it is inevitable that the system has defects and therefore does not meet the state's response planning standard prevention credit requirement. Shavelson stated that maintaining the prevention credit for its secondary containment is a disincentive for Alyeska to address the problem with the CBA liners, and that the first thing PWSRCAC should do is press for the removal of the state's prevention credit and let Alyeska weigh the economics of addressing its secondary containment system or risk losing its VMT C-plan approval.

Dr. Benson emphasized it is standard industry practice to inspect critical industry infrastructure regularly to ensure it is functioning properly.

Amanda Bauer **moved to accept** the report titled "Methodologies for Evaluating Defects in the Catalytically Blown Asphalt Liner in the Secondary Containment System at the Valdez Marine Terminal" by Dr. Craig H. Benson dated November 29, 2022, as meeting the terms and conditions of Contract 6512.22.02, with direction to staff to forward the report to Alyeska, and state and federal regulators accompanied by a cover letter summarizing findings and recommendations with requests for appropriate action and a complete response. Angela Totemoff **seconded** and the **motion passed** without objection

Amanda Bauer **moved to approve** negotiation of a contract change order, for Contract 6512.22.02, with Dr. Craig H. Benson, adding \$7,900 for compensation to attend meetings with the Council, Alyeska, state and federal regulators promoting the findings and recommendations of his November 29, 2022 report and extending the term of the contract to June 30, 2023. Angela Totemoff **seconded**. Discussion followed.

Ben Cutrell questioned the budget amounts in the briefing sheet and the reason for the additional funds request. Schantz explained that some legal fees that were no longer needed for the project were removed from the project's budget by the Council's approval of the budget modifications under the consent agenda (Item 3-3), and any

project's budget is the total amount of funds appropriated for that project, not solely the amount of a contract.

Bob Shavelson voiced his objection to the contract change order, stating that he felt the Council was going in the wrong direction. He would like to see an economic study on how much Alyeska is saving by not addressing the CBA liner. In his opinion, the liner is probably perforated with defects and fails to meet the standard needed for Alyeska to qualify for the prevention credit. He recommended going straight to the economic incentive (i.e., taking away Alyeska's prevention credit), instead of having more meetings and studying it for another 10 years or so.

Executive Director Schantz pointed out that ADEC was originally going to require only 10% of one dike cell to be tested, and if PWSRCAC wanted to get more action on this it needed to promote Dr. Benson's findings to Alyeska and the regulators.

A roll call vote was called and taken:

Robert Archibald	Yes.
Amanda Bauer	Yes.
Robert Beedle	Yes.
Mike Bender	Yes.
Nick Crump	Yes.
Ben Cutrell	Yes.
Wayne Donaldson	Yes.
Mako Haggerty	Yes.
Luke Hasenbank	Yes.
Dave Janka	Yes.
Melvin Malchoff	Yes.
Dorothy Moore	Yes.
Bob Shavelson	No.
Angela Totemoff	Yes.
Michael Vigil	Yes.
Kirk Zinck	Yes.

The motion passed 16 in favor; one opposed (Shavelson).

4-9 CREATION AND APPOINTMENT OF TEMPORARY RECREATION SEAT

The purpose of this agenda item was to fill a new Temporary Recreation Seat as a Class I member on the Board of Directors until a full Request for Qualifications (RFQ) process could be conducted, giving time for the Board to consider a permanent entity to provide representation for regional recreation interests.

PWSRCAC's Director of Communications, Brooke Taylor, outlined the issue that had arisen around PWSRCAC's annual recertification with the USCG as to the Class I representation of regional recreation interests on the Council. Seating of a temporary representative for recreation interests would resolve the situation, while giving the Board time to discuss a permanent solution and conduct an RFQ through the PWSRCAC's Board Governance Committee (BGC). PWSRCAC had received a letter from Jim Herbert expressing his willingness to fill this Temporary Recreation Seat if the Board was in support of him doing so. Mr. Herbert met the basic requirements the Board would be looking for in an acceptable candidate for the position. A detailed briefing sheet was included in the meeting notebook under Item 4-9 which also included Mr. Herbert's qualifications for the position and the requested Board actions.

In order to accomplish the action sought (seating of a temporary recreation seat on the Board) the Board was asked to:

- Waive PWSRCAC Administrative Procedure 16-01 (Attachment B to 4-9) "Consideration of an Entity for the PWSRCAC Board of Directors" for the Temporary Recreation Seat,
- Approve the proposed changes to PWSRCAC Bylaws for the temporary seating of Jim Herbert (Attachment A to 4-9),
- Approve Jim Herbert to fill the Temporary Recreation Seat with a term set to expire at the January 2024 Board meeting or at the completion of the RFQ process, whichever comes first.

The Board took up a general discussion of the action requested.

Taylor added that although PWSRCAC adheres to OPA 90 as closely as possible, it is the opinion of PWSRCAC's legal counsel that PWSRCAC is not held to **all** OPA 90 requirements as it falls into the "alternative voluntary advisory group" category under the Act. However, to address the USCG's concerns, the intent is to run the RFQ process through the BGC in the interests of due diligence, as the Council previously had a recreation seat and tries to follow OPA 90 mandates as closely as possible. She pointed out that it had been eight years since PWSRCAC had a recreational seat on the Board, and at the end of the RFQ process if the BGC looks at the applications and determines there is not an organization that is a fit for PWSRCAC, then the Board could choose not to approve a permanent recreation seat. That information would be provided to the USCG with the due diligence that was conducted and the reasons why the Board felt it was not going to seat one at that time. Taylor pointed out that this temporary procedure was structured so both Jim Herbert's appointment and the temporary seat would sunset at the 2024 January Board meeting or at the conclusion of the RFQ process, whichever came first.

Wayne Donaldson asked for the BGC to revisit the bylaws with regard to sunseting the temporary seat provisions after the 2024 January Board meeting to keep the bylaws cleaner from that point on.

Amanda Bauer emphasized the importance of PWSRCAC's obtaining its USCG recertification, pointing out that the organization would be nothing without it, and addressing the USCG's concerns was very important to securing that recertification. She commended Taylor, legal counsel Joe Levesque, the Board Governance Committee, and all who worked expeditiously to address the issue in a short timeframe and to come up with a solution.

Shavelson questioned the need to waive Administrative Procedure 16-01, given that its language is permissive/discretionary, rather than mandatory. Taylor explained that staff is always aware of PWSRCAC's policies and procedures because when the organization has been audited in the past, particularly by Alyeska, that was where they looked. Because this issue had been such a fast moving process and an exception, it was more in the interest of due diligence, recordkeeping, and making sure PWSRCAC was properly justifying on the record how it did certain things and why, so in the event of an audit later, all the bases were covered.

Legal counsel Joe Levesque advised that the USCG lieutenant who was looking at the organization's recertification application really wants to see a designated recreation seat on the Council, and was adamant that OPA 90 compels PWSRCAC to have that seat to foster the goals of OPA 90, even while he recognized that PWSRCAC is an alternative group under the Act.

Cathy Hart, IEC member and former Board member who represented the Alaska Wilderness Recreation & Tourism Association as the recreation seat on the Council until they closed in 2014, said it was her belief that PWSRCAC really needed to have that recreation seat and needed to find an organization that is not only involved with Prince William Sound but also the other EVOS-affected communities. She hoped PWSRCAC would take the time to find the right organization.

Taylor said staff was already compiling a list of organizations to receive the RFQ and welcomed additional suggestions from Board and committee members, and their participation in the process. After this meeting, BGC will take the lead on this issue, with KJ Crawford as the staff lead. She emphasized that a solid RFQ would be important to getting good applicants.

Following the discussion, the Board took the following actions:

Amanda Bauer **moved to waive** Administrative Procedure 16-01 "Consideration of an Entity for the PWSRCAC Board of Directors" for the Temporary Recreation Seat. Bob Shavelson **seconded** and **the motion carried** without objection.

Michael Vigil **moved to approve the proposed amendment** to Section 2.2.1 of the PWSRCAC Bylaws to add *Temporary Recreation Seat* to the list of Class I Membership. Amanda Bauer **seconded**. A **roll call vote** was taken:

Robert Archibald	Yes.
Amanda Bauer	Yes.
Robert Beedle	Yes.
Mike Bender	Yes.
Nick Crump	Yes.
Ben Cutrell	Yes.
Wayne Donaldson	Yes.
Mako Haggerty	Yes.
Luke Hasenbank	Yes.
Dave Janka	Yes.
Melvin Malchoff	Yes.
Dorothy Moore	Yes.
Bob Shavelson	Yes.
Angela Totemoff	Yes.
Michael Vigil	Yes.
Aimee Williams	Yes.
Kirk Zinck	Yes.

The **motion passed** unanimously by 2/3rd vote (17 in favor; none opposed).

Amanda Bauer **moved to approve the proposed amendment** to Section 3.2 of the PWSRCAC Bylaws to add the following language: *The Board of Directors may appoint an entity or individual to serve as a Class I or Class II member on a temporary basis, on terms and conditions as may be determined by the Board, by action of the Board as provided in this section.* David Janka **seconded**. A **roll call vote** was taken:

Robert Archibald	Yes.
Amanda Bauer	Yes.
Robert Beedle	Yes.
Mike Bender	Yes.
Nick Crump	Yes.
Ben Cutrell	Yes.
Wayne Donaldson	Yes.
Mako Haggerty	Yes.
Luke Hasenbank	Yes.

Dave Janka	Yes.
Melvin Malchoff	Yes.
Dorothy Moore	Yes.
Bob Shavelson	Yes.
Angela Totemoff	Yes.
Michael Vigil	Yes.
Aimee Williams	Yes.
Kirk Zinck	Yes.

The **motion passed** unanimously by 2/3rd vote (17 in favor; none opposed).

Amanda Bauer **moved to confirm the appointment** of Jim Herbert to fill the Temporary Recreation Seat as a Class I member with a term set to expire at the January 2024 Board meeting or at the completion of the Request for Qualifications process, whichever comes first. Angela Totemoff **seconded** and **the motion passed without objection.**

Brooke Taylor reminded everyone that the public comment period on PWSRCAC's recertification application would end February 8, 2023, and that it was important for all interested parties to send in their letters of support, especially the organization's member entities.

Break: 2:35 p.m. – 2:45 p.m.

ADEC UPDATE ON ARTICLE 4 OIL DISCHARGE PREVENTION AND CPLAN REGULATIONS

ADEC'S Spill Prevention & Response Division Director, Tiffany Larson, updated the Board on ADEC achievements in 2022.

She reported that the division had accomplished much in the past year to increase transparency, information availability, process improvements, and regulatory improvements. Examples of those improvements were:

- Launch of an online spill reporting tool.
- Launch of the c-plans notifications listserv which is open to all subscribers.
- Creation of a single c-plan inbox for plan amendments. It is a single point of submission for all plans.
- Modifications on the website to the c-plan document review. Now only the current c-plan and its associated documents will appear. (Historical information and documents will still be available through a FOIA process.)

Larson continued her remarks with a review of the Article 4 updates and amendments:

- Larson gave kudos to SPAR staff who worked on this project.
- The Article 4 revisions were filed by the Lieutenant Governor on January 6, 2023, and will become effective on February 5, 2023. She encouraged PWSRCAC to go to the webpage for more information, where there are two videos to watch as well as other information, including training and tools to help navigate the new regulations. Also coming in the near future will be the exercise requirements for planholders, exercise requirements for streamlined planholders, the plan application process, and the plan review process.
- All the public comments on the new regulations are also available on the webpage, as well as ADEC's response. The review team has been asked to revisit the public comments that were designated as "out of scope" of this current regulation package to see if there is something that SPAR should address in a separate regulations package in the future.
- The most notable revisions, according to Larson, are as follows:
 - Addition of a new section 102 that outlines a 180-day transition phase for moving to the new regulations.
 - Retained the current requirement for who can sign a c-plan under Section 75.408.
 - Removed the requirements for exploration production facilities to have their well blowout c-plans approved by the AOGCC.
 - Adopted the Wildlife Protection Guidelines for oil spill response in Alaska by reference.
 - Clarified that documents must be available for inspection at regulated facilities.
 - Removed the requirements for oil terminal facilities to maintain verification logs for five years.
 - Restructured the Best Available Technology section for clarity.
- She noted that the regulation changes are substantial and the impact to planholders is substantial in what they need to change in their existing plans, and the formatting in particular. The 180-day delay in implementation of the new regulations is to give the planholders time to make the changes they need to make and to enable a smooth transition to the new regulations.
 - All applications that were submitted or will be submitted by February 5 will not need to be resubmitted.
 - Starting February 5, all minor amendments, routine updates, vessel additions, and applications will be processed under the new provisions.
 - New, renewal, and major amendment applications submitted on February 5 or before August 4, 2023, will be processed under the current regulations. Plan applicants may ask for ADEC to review their applications

under the new regulations and ADEC will do that, but approval will then be issued under the new provisions. There will be no hybrid reviews/approvals.

- Starting August 4, 2023, all plan applications must comply with the new provisions.
- If a currently approved plan is scheduled to be submitted for renewal in 2025, it must be fully updated to reflect the new Article 4 provisions. Until then, the planholder is not required to amend their plan unless there is an operational or business need to do so.
- There are 10 specific provisions that are not required to be updated until a currently approved plan is renewed or a major amendment related to those specific provisions is submitted on or after August 4 (details are on the website).
- Oil spill response exercise requirements were updated to specify minimum exercise requirements for all approved plans: all plans must be exercised a minimum of one time in each five-year plan review cycle. If that plan covers multiple facilities, each facility is not required to have an exercise. The department may conduct one additional exercise in every 12-month period for each plan. In order to count for those requirements, the exercise must be operations based, and it must include the department's participation in the planning, conduct, and evaluation. Larson emphasized that these provisions highlight that the department will be involved in oil spill response exercises at least once every five years, and if the planholder does not hit the mark, the department will be involved more than that.

In conclusion, Larson briefly reported on SPAR staffing levels. She pointed out the investment of much time and effort by the department to train and retain its staff. Larson reported that the retention rate in calendar year 2022 was 84%, compared to 71% in 2021, and the agency promoted from within in many instances. SPAR was now leading the entire ADEC department in retention.

Following her update, Larson answered questions and comments from the Board:

Bob Shavelson questioned the removal of AOGCC's review of well blowout plans from the regulations. ADEC's Rebecca Spiegel stated that AOGCC had opened their own public comment period but they were not ready in time to be included in SPAR's Article 4 revisions. SPAR will revisit this issue later.

Shavelson pointed out that when Commissioner Brune came to the Council's meetings at the beginning of the Article 4 scoping process, he assured the Council there would be no diminution of oil spill prevention and response in any changes to Article 4, but under these new regulations PWSRCAC has been removed as a reviewing body, there is no

longer a best available technology (BAT) conference requirement, and the response exercises are going from two per year to one every five years. He stated that those changes were rollbacks on protections in his opinion and a step backwards in environmental protections, and he asked Larson what her three most important changes were that will make prevention/response better in Alaska under these new provisions. Larson responded that clarity of regulations by aggregating the two sections (of planholders and plan reviewers) into one will alleviate confusion; moving into modern day with the access of information and broadened public access; and maintaining environmental protections in what could be perceived as a challenging time to do that. She commented that the BAT conference was eliminated because it was not getting the response or the information that was expected and it was costly to put on.

In response to a question from Amanda Bauer about whether Larson was comfortable with general funds being used to fund SPAR, Larson responded that she was. She added that historically the perception has been that SPAR had to be funded wholly by the 470 Fund, which is good when production is high and there is plenty of money coming in, but when production is low, those general funds show the Administration's willingness to step in to support the division to prevent further cuts to its budget. If the general fund infusion goes away in the future, she hoped it would be counterbalanced by increases in the refined fuels surcharge, or an increase in the per barrel tax, etc.

In response to a question from Jim Herbert about empty positions within the division, Larson stated that there was still a turnover rate, but she was satisfied with the staffing level at the present time.

Herbert also asked about the rationale of removing the RCACs from the regulations since both are recognized as reviewing entities under OPA 90. Larson stated that the intent of the regulation overhaul was to streamline the information available to everyone and make it more accessible. She pointed out that the RCACs are already recognized and their existence codified in federal regulations, not in state regulations.

Robert Beedle emphasized to Larson the importance of the PWSRCAC as his voice as a fisherman in Prince William Sound and he questioned the logic behind removing the RCACs as reviewers. He also questioned the logic of reducing the required number of response exercises from two a year to one every five years.

Mako Haggerty asked how many unannounced exercises were planned for 2023 and whether ADEC had done any economic analysis of the regulatory changes. Larson stated the work plan for 2023 exercises was not due until the end of January and she did not yet have that information. As to an economic analysis, one had not been done on the impact of the regulatory changes.

Haggerty asked about monies coming back to SPAR through cost recovery from polluters. Larson pointed out that while ADEC does do cost recovery for its costs and expenses, civil penalties assessed to a polluter go to the general fund; they do not go back directly to the agency.

Haggerty also questioned the logic of not holding a BAT conference annually and how ADEC/SPAR will keep up with the technology for oil spill prevention and response. Larson stated that the agency has a list of known providers who reach out to the agency with information, and there are personnel within the agency's prevention work group who do the research and the information is shared across the programs, obviating the reason to hold the conference anymore.

In answer to a question from Haggerty with regard to the impacts of PFAS on ADEC's funds and budget, Larson stated that PFAS itself was not draining ADEC funds at that time, but it is an upcoming contaminant that is of concern nationally, as well as in Alaska, and ADEC is looking at ways to address it. Alaska is the only state in the nation that has already promulgated ground water and soil cleanup levels. This has a price tag to the state, but it is worth it to protect human health and the environment. She noted that there are federal funds available in the recent congressional budget that can be directed towards PFAS across the nation. There is a lot more nationwide spotlight on PFAS and money coming at the problem, and there are also some Brownfields monies coming in. Haggerty pointed out that while PFAS contamination is a concern to everyone, as far as PWSRCAC is concerned its long-term remediation is a distraction from SPAR's mission.

Wayne Donaldson expressed his concern with the rollbacks in the exercise requirements in Prince William Sound, specifically, and he was particularly concerned about how removing PWSRCAC from the regulations was not seen as a diminishment of protection in the area. He asked Larson to get back to the Council at its May meeting with an explanation.

Bob Shavelson brought up prevention credits and asked why ADEC gives a prevention credit for something that Alyeska is already required to do under the regulations. ADEC's Graham Wood explained that in the early 1990s when the earlier regulations were developed, prevention credits were a way to compel producers to build secondary containment. They simply have not gone away. They are a tool ADEC can use to compel companies to comply with secondary containment, and ADEC has taken those credits away from companies in the past where there was gross noncompliance with secondary containment regulations. ADEC's Rebecca Spiegel pointed out that prevention credits were in the list of out-of-scope comments that ADEC will be revisiting that Larson spoke of earlier.

Herbert pointed out to Larson that the Board had voted earlier in this meeting to extend the contract of Dr. Craig Benson who is looking at Alyeska's secondary containment liner at the VMT. The contract extension will allow Dr. Benson to interact with ADEC and others on that issue and he hoped ADEC was willing to listen to Dr. Benson's findings.

(This was an information-only item. No action was requested of the Board.)

4-5 REPORT ACCEPTANCE: FORAGE FISH SURVEY

Project Manager Dr. Danielle Verna introduced this agenda item which sought Board acceptance of a final report titled "2022 Prince William Sound Forage Fish Observations" by Dr. Scott Pegau of the Prince William Sound Science Center. Dr. Pegau conducted aerial surveys of forage fish throughout Prince William Sound in June 2022 to identify locations where forage fish congregate and may be impacted by an oil spill.

Dr. Pegau presented the final results of aerial surveys he conducted in June 2022 looking along the coastline trying to see the forage fish. His report describes the methods and results of the survey with comparison to prior survey years. This was the fourth and final expected year for this project, with previous surveys occurring in 2019-2021.

Amanda Bauer **moved to accept** the report titled "2022 Prince William Sound Forage Fish Observations" by Dr. Scott Pegau of the Prince William Sound Science Center dated November 28, 2022, as meeting the terms and conditions of Contract 9511.22.01, and for distribution to the public. Jim Herbert **seconded** and **the motion passed** without objection.

EXECUTIVE SESSION

Amanda Bauer **moved to go into executive session** to discuss the following items:

- Alyeska Contract Funding Addendum Renewal (Thursday session).
- Annual Review: Executive Director job description and performance goals (Thursday session).
- Project 5053 VMT System Integrity and Safety Culture (Friday session).

Michael Vigil **seconded** and **the motion passed** without objection.

The following were invited to join the Board in the executive session:

Executive Director Donna Schantz (Thursday as needed, and Friday); Director of Programs Joe Lally (Thursday as needed, and Friday); Financial Manager Ashlee Hamilton (Thursday as needed, and Friday); Director of Communications Brooke Taylor (Thursday as needed, and Friday); Director of Administration KJ Crawford (Thursday as needed, and Friday); Program Manager Linda Swiss (Friday); Executive Assistant Jennifer Fleming (meeting support - Thursday as needed, and Friday); federal legislative monitor Roy Jones (Friday); state legislative monitor Gene Therriault (Friday); legal counsel Joe Levesque (Friday).

The Board went into executive session at approximately 4:20 p.m. and recessed at 5 p.m. until the following day at 8:30 a.m.

Recess: The open session of this Board meeting recessed 4:15 p.m. until Friday, January 27, following a scheduled continuation of the executive session.

Friday, January 27, 2023

EXECUTIVE SESSION (Continued)

A continuation of the executive session commenced at 8:30 a.m. to discuss specifically Project 5053 VMT System Integrity and Safety Culture. The executive session ended at approximately 9:25 a.m.

CALL BACK TO ORDER

President Robert Archibald called the meeting back to order at 9:50 a.m. on January 27, 2023. A roll call was taken. There were 16 Directors present at the time of the call back to order: Archibald, Bauer, Bender, Crump, Cutrell, Donaldson, Haggerty, Hasenbank, Herbert, Janka, Malchoff, Moore, Shavelson, Vigil, Williams, and Zinck. (Robert Beedle joined the meeting via videoconference at approximately 10:00 a.m.)

REPORT ON EXECUTIVE SESSION

President Archibald reported that the Board met in executive session as scheduled and discussed the items outlined on the executive session agenda and had the following report:

- **Alyeska Contract Funding Addendum Renewal:** Amanda Bauer reported the Board had discussed the renewal of Alyeska's contract funding addendum and had directed President Archibald and Executive Director Schantz to start negotiations with Alyeska on that renewal.
- **Annual Review of the Executive Director's Job Description and Performance Goals:** President Archibald reported that the Executive Director's job description and performance goals were discussed. The Board will continue with the current method it has been using. At the Board's next meeting in May, if there are Board members who wish to look into revising that system, an *ad hoc* committee can be appointed at that time.
- **Project 5053 VMT System Integrity and Safety Culture.** President Archibald reported that the Board discussed Billie Garde's report under Project 5053 and the timing of its acceptance and release under the VMT System Integrity and Safety Culture project but determined not to take action at this time.

[Robert Beedle joined the meeting via video conference at approximately 10:00 a.m. – 17 Directors present.]

4-7 REPORT APPROVAL OF LONG RANGE PLAN 2024-2028

KJ Crawford provided an overview of the Long Range Planning (LRP) process and presented the draft Five-Year LRP June 2024-2028 for approval. An updated draft of the LRP was provided under Item 4-7 in the meeting notebook. A workshop was held on Wednesday at which the Board, committee, and staff members attended to discuss the draft plan and develop a recommendation for Board approval.

Amanda Bauer **moved to approve** the Five-Year Long Range Plan for Fiscal Years 2024-2028, as developed and finalized for consideration by the Board at the January 25, 2023 Long Range Planning work session. Jim Herbert **seconded** and **the motion passed** without objection.

4-6 APPROVAL OF DISPERSANTS USE POSITION SUPPORTING MATERIALS

Dr. Danielle Verna, PWSRCAC Project Manager, introduced this agenda item which sought Board acceptance of a document titled "PWSRCAC Dispersant Use Position Supporting Materials" by Elise DeCola of Nuka Research and Planning Group, LLC, dated December 2022. The document was designed to support the Council's updated position on the use of chemical dispersants in Prince William Sound and the Exxon Valdez oil spill affected region. The Council's updated position was adopted at its September 2022 Board Meeting and does not support the use of chemical dispersants in Prince William Sound or the Exxon Valdez oil spill affected region. The supporting materials were designed to aid in the communication and dissemination of the Council's position to industry, regulators, stakeholders, and partners prior to and during an oil spill incident.

Dr. Verna introduced Elise DeCola of Nuka Research and Planning Group, LLC, who recapped the project and the approval of the updated position statement that the Board engaged in at the September 2022 Board meeting. The purpose of the supporting materials is to succinctly deliver science-based evidence that aids in communicating the rationale for the Council's position. In the document, each of the four key points of the Council's position on dispersants is supported by a brief review of peer-reviewed literature with citations. A detailed briefing sheet and the report were included in the meeting notebook under Item 4-6.

A general discussion followed the report's presentation.

OSRI's Scott Pegau said he realized that this report was designed to support the Council's stated position against the use of dispersants, but he expected a more balanced report. He was concerned, as a scientist, that this was an instance of coming up with a position and then finding the science to support it, and he found the report

highly biased. He said his personal opinion is that dispersants have their place and should be used when necessary.

President Archibald countered that PWSRCAC went through an arduous process with leaders in the field to ensure PWSRCAC provided accurate science.

Bob Shavelson said he appreciated Pegau's personal opinion but pointed out that Exxon makes the dispersant COREXIT and there is a vast amount of information generated by the entities who want to profit off dispersants and use them, so as a relatively small citizen organization PWSRCAC is simply trying to put out some information that might call into question the assumptions that dispersants are safe. He added there is strong science that when one combines oil with dispersants and drives it into the water column there are a lot of instances where it is more toxic than the oil itself. He said PWSRCAC should be proud of its work on this issue and this report provides the balance that PWSRCAC was created to provide in a debate where industry and industry scientists drive the message.

Executive Director Schantz took exception to Dr. Pegau's comment that PWSRCAC went after only the science that justified its stated position. She emphasized that PWSRCAC looked at a lot of the science in developing its position and this report simply came after the fact. She also emphasized that PWSRCAC always strives to use peer-reviewed science because there is a lot of science out there that is not peer reviewed.

Amanda Bauer **moved to accept** the document titled "PWSRCAC Dispersant Use Position Supporting Materials" by Elise DeCola of Nuka Research and Planning Group, LLC, dated December 2022, as meeting the terms and conditions of Contract 9550.22.01, and for distribution to the public. Michael Vigil **seconded** and **the motion passed** without objection.

4-3 REVIEW OF PROPOSED CHANGES TO THE REGIONAL STAKEHOLDER COMMITTEE

Project Manager Jeremy Robida updated the Board on the proposed changes to the Regional Stakeholder Committee (RSC). A detailed briefing sheet was included in the meeting notebook as Item 4-3.

He explained how the RSC helps foster a working relationship between incident leadership and those directly affected by an incident, and offers a way to bring local knowledge, concerns, and potentially locally available resources into a response. Language describing the RSC is currently found in the Regional, PWS, and AWA Area Plans. The Council has long been an advocate for the RSC model, and has witnessed through tanker plan exercises how useful, valuable, and important this stakeholder engagement process can be in building trust and working relationships between response decision makers and affected stakeholders.

Robida reported that the Alaska Regional Response Team (ARRT) instituted a task force that began meeting with the Council and others in August of 2022, with the goal of creating a job aid to explain the RSC concept and process and create consistency across Alaska. The proposed job aid uses language that is more flexible than the current Prince William Sound Area Plan language. PWSRCAC staff is concerned this flexibility may degrade the RSC process. Proposed changes are similar to those sought in 2016 (which were ultimately withdrawn based on significant opposition received during task force meetings) in that with this more flexible language, there is less guaranteed access to the UC and Incident Action Plan documentation.

Robida outlined in more detail the proposed changes in the RSC process and compared that to the current PWS Area Plan language. He reported that the task force meetings would continue, that it had been a good work group so far, and staff remained committed to the process and to capture areas of alignment, dissenting opinions, and disagreements.

Mary Goolie of the EPA explained how the job aid would be used and given to liaison officers in an incident.

Schantz pointed out that there has yet to be an RSC stood up in a real event.

Steve Lewis spoke of the importance of the liaison officer position as being critical to the two-way flow of information. He emphasized that the liaison officer coming into that position needed to have previous local knowledge. For example, a liaison officer coming from out of state or out of region may not have seen snow before or have experience with indigenous people. Being handed a piece of paper with job descriptions would not work nearly as well as having a liaison officer who has previous local knowledge. He urged everyone involved in the task force working on this issue to bear that in mind, especially the people who will be assigning the liaison officers to their positions.

(This was an information-only item. No action was requested of the Board.)

4-4 REPORT ACCEPTANCE: PORT VALDEZ WEATHER BUOY DATA ANALYSIS 2019-2021

Project Manager Roy Robertson introduced this agenda item which sought Board acceptance of the report titled "Port Valdez Weather Buoy Analysis 2019-2021" by Robert W. Campbell, Ph.D., of the Prince William Sound Science Center dated December 7, 2022 (Item 4-4 in the meeting notebook).

Robertson explained that PWSRCAC installed two weather buoys in Port Valdez in 2019, one in the vicinity of the VMT and the other near the Valdez Duck Flats. The buoys are expected to collect weather data for at least five years. This project is the second of potentially five projects that would take data collected in each of the five years and perform analysis to determine any weather trends throughout the year and seasonally

at the location of the buoys. Dr. Campbell was contracted to analyze the weather buoy data collected from 2019-2021 and provide a report of his findings.

Robertson introduced Dr. Campbell who presented his report to the Board.

Steve Lewis commented that the information the buoys have provided and continue to provide has proven invaluable operationally, in terms of PWSRCAC's information and awareness and to industry in terms of their operation. He emphasized the importance of fostering this kind of collaboration and acceptance openly by everybody who is involved in the VMT's operation. He encouraged those new to PWSRCAC to look at the history of these buoys with respect to policy going forward.

Amanda Bauer **moved to accept** the report titled "Port Valdez Weather Buoy Data Analysis 2019-2021" by Robert W. Campbell, Ph.D., of the Prince William Sound Science Center dated December 7, 2022, as meeting the terms and conditions of the Contract 6536.22.01, and for distribution to the public. Ben Cutrell **seconded** and **the motion passed** without objection.

4-8 INCIDENT REPORT UPDATE FOR 2022

Project Manager Assistant Nelli Vanderburg presented a summary of incidents reported to PWSRCAC that occurred in 2022. Incident reports include oil spills, fires, equipment malfunctions causing shutdowns, navigational closures, and tanker or escort incidents. The presentation included terminal and tanker statistics.

(This was an information-only item. No action was requested of the Board.)

Lunch Recess: 11:45 a.m.– 1:00 p.m.

(Melvin Malchoff left during lunch recess – 16 Directors present.)

For the Good of the Order

President Archibald introduced attorney Cheryl McKay who had recently joined the Levesque Law Group and would be working on PWSRCAC matters from time to time. She introduced herself to the Board with a brief overview of her background and professional experience.

CONSIDERATION OF CONSENT AGENDA ITEMS

3-1 APPROVAL OF MARINE INVASIVE SPECIES SURVEY SOLE SOURCE CONTRACT

[Item 3-2 in the meeting notebook]

Mako Haggerty explained that while he supported the action item and would vote to approve it, the reason he pulled it from the consent agenda was because he wanted the opportunity to voice his opinion that PWSRCAC should take a supportive role and let

another organization take the lead on something like invasive species, such as one of the fishermen's organizations in Prince William Sound, because fishermen would have the most to lose from an invasion of non-indigenous marine species. He also pointed out that PWSRCAC's area of purview is limited to Prince William Sound when invasive species is a statewide issue.

Michael Vigil remarked that the Smithsonian Environmental Research Center had recently contacted Chenega for permission to deploy settlement plates in and around Tatitlek and Chenega. PWSRCAC's Dr. Danielle Verna reported that the Smithsonian's approach to Chenega was at PWSRCAC's request. They will deploy plates in the spring and retrieve them in the fall. She added that there is a grassroots effort to monitor for invasive species across Alaska and PWSRCAC is part of that effort, and while PWSRCAC is taking the lead in its region, it is part of this broader network. She also pointed out that there are not a lot of ADF&G resources to take ownership of this type of project, so PWSRCAC is doing its part in its region and it is valuable to the overall statewide monitoring effort.

Robert Beedle pointed out that PWSRCAC's concern is about what may come into the Sound through tanker ballast, etc.

Amanda Bauer **moved** to authorize a budget modification from the contingency fund to project 9520 Marine Invasive Species in the amount of \$8,645 for FY2023 contract expenses; and to authorize the Executive Director to enter into a sole source contract with the Smithsonian Environmental Research Center for the project Marine Invasive Species Broadscale Survey in Prince William Sound in an amount not to exceed \$60,254. Mako Haggerty **seconded** and **the motion passed** without objection.

PRESIDENT'S REPORT TO THE BOARD

President Archibald expressed appreciation to all the volunteers that make up the Council for their dedication to the Council's mission.

He reminded everyone of the importance of maintaining infrastructure such as the VMT, pipelines, and tankers, and if properly maintained they will continue to operate well into the future, but if not maintained and taken care of they will break down and fail.

EXECUTIVE DIRECTOR'S REPORT TO THE BOARD

(A written Executive Director's report was submitted to the Board earlier in the week.)

Executive Director Schantz spoke of PWSRCAC's role as an "alternative voluntary advisory group" under OPA 90 which, while not required, does try to follow OPA 90 in many respects. She also spoke of some of the language of OPA 90 not being as clear as it could be, such as the intent that PWSRCAC should develop long-term partnerships with government and industry while at the same time providing critical feedback,

especially during times of serious reductions in staffing, resources, and budgets for those entities. She noted it was a delicate balancing act to foster those partnerships while preventing government and industry complacency.

She revisited the discussion of the previous day with ADEC's Tiffany Larson on the Article 4 regulation changes and took exception to Larson's comments that there will be no reduction in prevention or protection of the environment in Prince William Sound. She pointed out that the regulation changes have reduced protection of the environment by the following changes:

- The number of drills and exercises are reduced from two per year to a maximum of one every five years, with the option of adding one more. Schantz commented that ADEC simply does not have the level of resources or leadership support to allow for the maximum.
- Removal of an ADEC enforcement tool. It eliminated the requirement for c-plans to show compliance with applicable state and federal training programs.
- JPO and BLM also show diminishment. In 1995 a General Accounting Office (GAO) report concluded there were 84 staff in the JPO and BLM had significant oversight responsibility of TAPS at that time. Currently, there is no lead JPO coordinator and there are approximately 25 staff in the JPO, and each agency seems to operate independently of each other. Schantz stated that approximately 12 years ago the BLM office in Valdez included six personnel, consisting of engineers, operations, and maintenance specialists. Currently there is only one. The BLM engineering department between Fairbanks, Anchorage, and Valdez has gone except for one, and there used to be three oil spill specialists and now there is only one.

She surmised that if a spill were to occur the next day in Prince William Sound, PWSRCAC could write the report right now on what happened (i.e., the result of budget cuts, reduced staffing, reduced regulatory oversight, budget cuts within industry, loss of institutional knowledge, loss of engineering and technical specialists). All of these reductions increase risk.

She emphasized that if PWSRCAC was to be effective in preventing complacency it was important to garner people's attention to the increased risk from all the reductions in regulation before it is too late and there is another spill.

FINANCE REPORT

Financial Manager Ashlee Hamilton reported that the new accounting system Sage Intacct went live on October 1, 2022. Much of her time had been spent working with the new system, generating reports, and working with Sockeye Consulting personnel on the new system. The transition was successful and it had been met with positive reviews by staff. All the historical information from 2021 and 2022 was successfully migrated to the

new system. She will continue to have ongoing meetings with PWSRCAC's Sockeye Consulting representatives monthly to ensure the system is operating smoothly.

Hamilton anticipated another mid-year meeting with project managers to review projects and highlight any funding changes that have taken place. She will then schedule a Finance Committee meeting for late February to look at any budget modifications as well as the December 31, 2022 financial statements which were ready to be presented.

She reported that the software conversion and implementation of Paychex for payroll processing had gone smoothly. It allows streamlined processing of payroll and leave tracking and works well with the new accounting software.

Hamilton was also working on the IRS 2022 Form 990. All the information was delivered to BDO to prepare the return and it will be on the agenda for approval at the May Board meeting. It was on extension and will be due on May 15, 2023.

She reported that all W2s and 1099s for 2022 were mailed to recipients and submitted to the IRS, and she submitted all the documents for the workers' compensation audit and was awaiting a response from the auditor.

Going forward in 2023, Hamilton reported she would be working on the FY2024 budget and cleaning up the old contract files, uploading them to electronic format so they are accessible by both offices. She will also be working on creating job aids for both new software systems to aid in future staff training.

CLOSING COMMENTS

Directors were given the opportunity to make closing comments.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 2:25 p.m. on a **motion made by Mako Haggerty, seconded, and passed by unanimous consent.**


Secretary

Subject: Re: Permission to use Electronic Signature

Date: Thursday, June 8, 2023 at 10:24:21 PM Alaska Daylight Time

From: Bob Shavelson

To: Fleming, Jennifer

DANGER: This message originated from outside the PWSRCAC domain. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

you got it! thx

bob

On Thu, Jun 8, 2023 at 2:32 PM Fleming, Jennifer <fleming@pwsrcac.org> wrote:

Hi Bob,

I'm seeking your permission to use your electronic signature on the following:

- Minutes of the January 26-27, 2023 Board meeting which were approved as presented.
- Minutes of the March 14, 2023 special Board meeting which were approved as presented.

Please let me know if I may use your electronic signature on these two documents or if you have any questions.

Thanks,

Jennifer

Jennifer Fleming, Executive Assistant

Prince William Sound Regional Citizens' Advisory Council

O: 907.834.5010

C: 907.831.0055

www.pwsrcac.org