

PRINCE WILLIAM SOUND  
REGIONAL CITIZENS' ADVISORY COUNCIL  
MINUTES  
REGULAR BOARD MEETING  
September 19-20, 2019  
Kenai, Alaska

**Members Present**

Robert Archibald	City of Homer
Amanda Bauer	City of Valdez
Robert Beedle	City of Cordova
Mike Bender	City of Whittier
Rob Chadwell	City of Seward
Wayne Donaldson	City of Kodiak
Patience Andersen Faulkner	Cordova District Fishermen United
Mako Haggerty	Kenai Peninsula Borough
Luke Hasenbank	Alaska State Chamber of Commerce
Melvin Malchoff	Port Graham Corporation
Thane Miller	Prince William Sound Aquaculture Corporation
Dorothy Moore	City of Valdez
Bob Shavelson	Oil Spill Regional Environmental Coalition
Rebecca Skinner	Kodiak Island Borough
Roy Totemoff	Tatitlek Corporation & Tatitlek Village IRA Council
Michael Vigil	Chenega Corp. & Chenega IRA Council
Kirk Zinck	City of Seldovia

**Members Absent**

Peter Andersen	Chugach Alaska Corporation
Conrad Peterson	Kodiak Village Mayors' Association

**Ex-Officio Members Present**

Craig Ziolkowski	Alaska Dept. of Environmental Conservation
CDR Mike Franklin ( <i>via teleconference</i> )	US Coast Guard MSU Valdez
Lee McKinley ( <i>via teleconference</i> )	Alaska Dept. of Fish & Game
Bart Buesseler	NOAA

**Committee Members Present**

Cathy Hart	IE Committee
Jane Eisemann	IE Committee
Savannah Lewis	IE Committee
Steve Lewis	POVTS Committee
Gordon Terpening	POVTS Committee
Orson Smith	POVTS Committee
Pete Heddell	POVTS Committee
Jerry Brookman	OSPR Committee
Jim Herbert	OSPR Committee
Mikkel Foltmar	TOEM Committee
Tom Kuckertz	TOEM Committee
John Kennish	SA Committee

**Staff Members Present**

Donna Schantz	Executive Director
Walt Wrede	Director of Administration
Joe Lally	Director of Programs
Brooke Taylor	Director of External Communications
Gregory Dixon ( <i>via teleconference</i> )	Financial Manager
Jennifer Fleming	Executive Assistant
Betsi Oliver	Outreach Coordinator
Linda Swiss	Project Manager
Jeremy Robida	Project Manager
Alan Sorum	Project Manager
Austin Love	Project Manager
Roy Robertson	Project Manager
Amanda Johnson	Project Manager
Nelli Vanderburg	Project Manager Assistant
Hans Odegard	Project Manager Assistant

**Others Present**

Andres Morales	Alyeska Pipeline Service Company
Angelina Fuschetto	Crowley Alaska Tankers
Paul Manzi	Crowley Alaska Tankers
Jeffrey Adamczyk	BP Shipping
Capt. Matthew Michalski	Southwest Alaska Pilots Association (SWAPA)
Jason Brune	Commissioner, Alaska Dept. of Environmental Conservation
Denise Koch	Alaska Dept. of Environmental Conservation
Crystal Smith	Alaska Dept. of Environmental Conservation
Anna Carey ( <i>via teleconference</i> )	Alaska Dept. of Environmental Conservation
Melissa Woodgate ( <i>via teleconference</i> )	Alaska Dept. of Environmental Conservation
Sarah Moore ( <i>via teleconference</i> )	Alaska Dept. of Environmental Conservation
Becky Spiegel ( <i>via teleconference</i> )	Alaska Dept. of Environmental Conservation
LT Todd Bagetis	Marine Safety Unit Valdez, USCG
Paul Degner	BLM
Joe Levesque	Levesque Law Group, legal counsel
Vinnie Catalano	Cook Inlet Regional Citizens Advisory Council
Gary Fandrei	Cook Inlet Regional Citizens Advisory Council
Todd Paxton	Cook Inlet Spill Prevention & Response, Inc.
Jay Barrett	KDLL
Dr. James Payne ( <i>via teleconference</i> )	Payne Environmental Consultants, Inc.
Dr. Jonathan Geller ( <i>via teleconference</i> )	Moss Landing Marine Laboratory

**Thursday, January 19, 2019**

**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 September 19 and 20, 2019, at the Challenger Center, in Kenai, Alaska. President Robert Archibald called the meeting to order at 8:30 a.m. September 19, 2019.

A roll call was taken. The following 16 Directors were present at the time of the roll call, representing a quorum for the conduct of business: Archibald, Bauer, Beedle, Bender, Chadwell, Donaldson, Faulkner, Haggerty, Hasenbank, Malchoff, Miller, Moore, Skinner, Totemoff, Vigil and Zinck.

Archibald welcomed everyone to the meeting and spoke of the difficult summer for many on the Kenai Peninsula because of the wildfires that had impacted so many residents and businesses.

Archibald went on to lead a moment of silence in honor of Lisa Matlock, the Council's former Outreach Coordinator who passed away August 21.

Introductions and Directors' reports followed.

### **1-0 AGENDA**

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

**Mako Haggerty moved to approve the agenda (green-colored sheet). Dorothy Moore seconded.** Archibald announced that ADEC Commissioner Jason Brune had requested an opportunity to address the Council in the afternoon. Hearing no objection, the Council agreed to take comments from the Commissioner immediately after the lunch recess. **The agenda was approved, with the addition of Commissioner Brune's address to the Council.**

### **1-1 MINUTES**

**Robert Beedle moved to approve the minutes of the Annual Meeting of the Board of Directors of May 2 and 3, 2019. Michael Vigil seconded, and the minutes were approved as presented.**

### **1-2 MINUTES**

**Robert Beedle moved to approve the minutes of a Special Meeting of the Board of Directors of May 29, 2019. Michael Vigil seconded, and the minutes were approved as presented.**

### **PUBLIC COMMENTS**

(None at this time.)

### **INTERNAL OPENING COMMENTS - PWSRCAC TECHNICAL COMMITTEES**

#### **OIL SPILL PREVENTION & RESPONSE COMMITTEE (OSPR)**

Chair Jim Herbert began his report by recognizing the OSPR committee members and especially Jerry Brookman who had recently attended his 100<sup>th</sup> OSPR Committee meeting. There was a round of applause in recognition of Brookman's milestone achievement and his dedication to PWSRCAC. Herbert went on to report the activities of the committee since the last Board meeting, as follows:

- The committee was updated on the progress of the latest VMT C-Plan renewal and submittal of PWSRCAC's final comments to ADEC in July. The committee also approved moving budgeted funds from Project 6511 - History of

Contingency Planning to contingency until a scope of work could be developed with input from OSPR, the C-Plan project team, and staff.

- The committee was updated on the VMT C-Plan settlement, including the status of the collaborative process and the placement of the two DART weather buoys, one of which was installed near the VMT in May and the other recently installed near the Duck Flats. Director of Programs Joe Lally would report on this in greater depth later in the agenda.
- The committee was updated on activities of the Alaska Regional Response Team (ARRT) and the Area Committees for Prince William Sound and Arctic and Western Alaska.
- Staff observed many drills and exercises. Various exercise reports were reviewed and accepted by the OSPR Committee. The 2018 Annual Drill Monitoring Report was also reviewed and accepted by the committee and would be presented to the Board for discussion and acceptance later in this agenda.

### **SCIENTIFIC ADVISORY COMMITTEE (SAC)**

Chair John Kennish reported on the Scientific Advisory Committee efforts since the last Board meeting as follows:

#### **General Updates**

- Austin Love was hired as the new SAC project manager (replacing retired staff member Joe Banta) and will remain the TOEM project manager for the time being.
- The committee's Environmental Monitoring Workshop was scheduled for Friday, September 27 in Anchorage. During this meeting the committee would review all current scientific projects and would consider future science projects for the Council. Board members were encouraged to share ideas for science projects at this time.

#### **Significant Project Updates**

- **Environmental Monitoring Program.** Staff was working to organize Science Night, which was scheduled for Thursday, December 5, in Anchorage. Suggestions for presenters were encouraged from all volunteers and were to be submitted to Project Manager Austin Love.
- **Project 9510: LTEMP.** The 2019 monitoring was only in Port Valdez and all passive sampling device, mussel, and sediment samples were retrieved in June. Laboratory analysis of those samples was mostly ongoing, but some results were in and were undergoing interpretation. A new dimension was added to LTEMP this year - the USGS was analyzing how hydrocarbon contamination may impact gene expression in blue mussels. This was an important addition because it is the first time LTEMP would be examining how oil pollution affects an organism at the cellular level. The summary of

the 2018 LTEMP sampling and data analysis was contained in the annual report from Payne Environmental Consultants, Inc., that would be presented for Board acceptance later in the agenda.

- Project 9520: Marine Invasive Species. Invasive Species Intern Mia Siebenmorgan Cresswell had deployed invasive species settlement plates and was conducting monthly green crab monitoring in Cordova. Plankton samples were collected in Port Valdez, the Valdez Arm, and central Prince William Sound in May by the Prince William Sound Science Center (PWSSC). The 2019 samples and the 2018 samples were being genetically analyzed for invasive species by Moss Landing Marine Laboratories in California. The summary of the 2017 plankton sampling and genetic analysis is contained in a report by Moss Landing Laboratories and would be presented for Board acceptance later in the agenda.
- Dispersants. The committee received an updated dispersants scientific literature bibliography from Dr. Merv Fingas which would be made available on the Council's website. The bibliography is extensive, including more than 1,500 documents related to dispersants. Additionally, Dr. Fingas has provided PWSRCAC with a draft dispersants position paper for Council consideration. The last time PWSRCAC reviewed and revised its position on dispersants was in 2006 and much more information about dispersants is now available. The committee planned to review and potentially recommend revising the Council's position on dispersants use and updating its position papers.
- Herring and Forage Fish Surveys. The committee was working with Scott Pegau of the PWSSC on herring and forage fish surveys. Dr. Pegau completed aerial surveys of the entire shoreline of Prince William Sound in June 2019. The goal is to try to find schools of juvenile and adult herring and other forage fish in order to identify areas in the Sound where they tend to concentrate. After completing the 2019 surveys, Dr. Pegau noted a few more sandlance than in recent years but the herring numbers were on the low side. Dr. Pegau is working on a report that summarizes the results of this year's surveys. The results of this project and other Prince William Sound forage fish science are important to consider in relation to the Council's project on Potential Places of Refuge (PPOR) being conducted by the POVTS Committee. The PPOR Project would be presented to the Board for discussion later in the agenda. SAC encouraged the Board to think about how herring and other forage fish populations should be considered in relation to places where a stricken oil tanker may be anchored in Prince William Sound. It was anticipated that Dr. Pegau would be on teleconference for the PPOR discussion.
- Prince William Sound Winter Bird Surveys. The goal of the winter bird surveys project is to collect current information on winter marine bird density and distribution throughout the Prince William Sound tanker transit zone. To address concerns raised by Board members, volunteers, and staff regarding the scope of this project a team will be assembled to review the

scope. Those wishing to participate in that review team were invited to make themselves known to Project Manager Austin Love.

- Other SAC Projects. Additional information about all SAC's projects was included under Section 5 of the meeting notebook.

#### **PORT OPERATIONS AND VESSEL TRAFFIC SYSTEMS COMMITTEE (POVTS)**

Chair Steve Lewis reported on the committee's efforts since the last Board meeting, as follows:

- Staff worked with Dr. Rob Campbell of the PWSSC to assemble the second metocean buoy. The committee was kept up to date on the steps to be taken and the progress of the project. Permits required for the project are in place. The buoy was originally put in the water in the Valdez Small Boat Harbor to calibrate instrumentation and was installed at its final location near the Valdez Duck Flats on September 6. The web page where the buoy data may be found is still in progress but will eventually be available through the PWSSC's website.
- Project 8560: Potential Places of Refuge. The committee accepted the final report for this project, and it would be presented to the Board for discussion and acceptance later at this meeting.
- Project 8012: Tanker Towline Deployment Best Available Technology Review. The committee accepted the proposal from Glostten to pursue this project and it was up for consideration by the Board under Item 3-2 of the Consent Agenda at this meeting. Lewis said that initially he had a reservation on the Glostten proposal as to whether Glostten had a conflict of interest in the emergency vessel attachment and towing system (EVATS), having been one of the joint developers. However, after he learned that Glostten has no commercial interest in the EVATS system, he stated that his concerns of a conflict of interest were allayed. Additionally, he pointed out that the bid came in a little higher than the budget, but it also had a wider scope of work than when the committee put together the budget for this project.
- Project 8040: Vessel Traffic System Best Available Technology Review. Request for Proposals were distributed and closed on September 6. The successful responsive proposer was to be announced on October 4.

Lewis asked the Board to think about clearly defining its long-range plan goals versus development of tactics for projects, saying it would be most beneficial to the committee's long-range planning process. If the committee had a clear understanding of the Board's goals five or 10 years down the road, the committee could be more efficient and effective in developing the tactics to meet those goals.

#### **TERMINAL OPERATIONS AND ENVIRONMENTAL MONITORING COMMITTEE (TOEM)**

Chair Mikkel Foltmar reported on the following activities of the TOEM Committee since the May Board meeting:

## General updates

- Valdez Marine Terminal Site Visit. On August 13 members of the TOEM Committee and PWSRCAC staff observed projects that are currently underway and recently completed work at the Valdez Marine Terminal (VMT). Highlights included observing the dual off-take piping and PIG launchers outside of the East Metering Building, observing the progress to clean and inspect crude oil storage Tank 8, and walking to the end of Berth 4 to see where new crude oil block valves were installed earlier this year. The group received an excellent briefing from Alyeska staff about the cathodic protection systems used to prevent corrosion on the VMT's storage tanks and piping, and Alyeska staff were very informative about a wide range of topics related to the operation and maintenance of the VMT.
- TOEM Committee Long Range Planning (LRP) Meeting. The committee scheduled its LRP meeting in Valdez for October 21. During this meeting the committee will review all current VMT-related projects and will consider future projects for the Council. All volunteers were encouraged to submit their TOEM-related LRP ideas to the committee before the time of the meeting.

## Significant Project Updates

- Cathodic Protection Systems Review Project. The contract for the Cathodic Protection Systems Review Project was finalized in August after productive consultation with Alyeska. The purpose of this project is to review and analyze the operation and maintenance of the cathodic protection systems used at the VMT to limit corrosion on crude oil piping and storage tanks. PWSRCAC's contractor, Keith Boswell of National Pipeline Services, was to conduct a site visit at the VMT on September 25 to learn about the systems currently in use and to speak to Alyeska staff who operate and manage these critical systems.
- Water Quality Permit Review Project. The Council submitted its comments in April to ADEC's Department of Water Quality regarding renewal of the VMT water quality permit. At the time of this Board meeting, ADEC had not completed or published its response to the Council's comments or any other comments received. When ADEC issues its response, PWSRCAC staff and Payne Environmental Consultants will review that response and consider whether the Council should pursue further action to influence the final permit language.
- Secondary Containment Liner Review. The Council previously sent Alyeska a letter and reports in March supporting a recommendation that they consider a field study of two methods that may be effective in testing the integrity of the buried secondary containment liner at the VMT. Those two test methods are electrical leak location and tracer gas testing. Alyeska provided their final response to the Council's recommendation in August. While Alyeska did not specifically respond to the Council's recommendation, their response implies

(without explanation) that it will not conduct a field test of either method at the out-of-service West Tank Farm.

- Other TOEM Committee projects. Additional information about all of TOEM's projects was included under Section 5 of the meeting notebook.

### **INFORMATION AND EDUCATION COMMITTEE (IEC)**

Chair Jane Eisemann (a Kodiak resident) thanked Wayne Donaldson and Rebecca Skinner for their engagement in the Council's work representing the City of Kodiak and the Kodiak Island Borough. She said that although Conrad Peterson was not able to be present at this meeting, she was in contact with his wife on a regular basis and is assured that he will also be more involved representing the Kodiak Village Mayors' Association in the near future.

She spoke of the collaboration between PWSRCAC and the Cook Inlet Regional Citizens Advisory Council staff and volunteers to better understand their issues and be able to collaborate and advocate on some of their issues.

She reported that the IE Committee had met three times since the May Board meeting and had reviewed final reports from six completed youth involvement projects. She went on to report on the following committee activities of interest.

- Project 3530: Youth Involvement.  
A Masters of Disaster class was held the previous day with 3<sup>rd</sup> and 4<sup>th</sup> grade students at Mt. View Elementary School in Kenai. Each student participated in several mini lessons drawn from the Oil Spill Curriculum taught by Council volunteers and staff. She thanked all the volunteers who participated in the event.

Six youth involvement reports were accepted by the committee in July and August. They were:

- ROV engineering competition that PWSSC hosts at the annual Tsunami Bowl;
- A video project completed by 6<sup>th</sup> grade students in Valdez with the help of Seed Media that included interviews with several staff and Council volunteers;
- Wrangell Institute for Science and Environment developed an "Oil Spill in a Pan" kit based on the PWSRCAC curriculum which they used with Valdez students;
- Hermon Hutchens Elementary School in Valdez once again taught about the connections between oil spills, spill prevention, and healthy salmon habitat in which is now the committee's longest-running Youth Involvement project;
- Kodiak teens shared about their Youth Conservation Corps experience and shared oil spill prevention lessons at the youth track for the Alaska Forum on the Environment;
- The Center for Alaskan Coastal Studies subsidized costs for their onboard oceanography program for students from Homer, Seldovia,

Port Graham and Nanwalek to engage in hands-on learning about marine hazards, including ROV spill response tactics.

- 3610: Website and Web Presence – BAT  
The web contractor has been helping implement several security-related technical upgrades to the Council’s public website and committee extranet.
- 3620: Connecting with our Communities  
Brooke Taylor continued to work with Helvey Communications and the committee on stakeholder mapping and potential logo adjustment options.
- In-Person Meeting Discussion on IEC Goals.  
The committee had its in-person work session on August 17 in the Anchorage office. The committee is developing a work plan based on its long-standing goals and existing action items. A formal working plan will help assess effectiveness of the committee’s work and guide future efforts to be most supportive of the Council’s objectives and goals.

Eisemann concluded her report with specific thanks to the volunteers who helped with the Master of Disaster class the previous day.

#### **OPENING COMMENTS AND UPDATES -- PWSRCAC BOARD SUBCOMMITTEES**

##### **LEGISLATIVE AFFAIRS COMMITTEE (LAC)**

Chair Dorothy Moore thanked all who assisted with legislative issues and the committee activities. She reported that the committee met four times over the summer months and exchanged information numerous times by email. At its May 15 regular meeting, she was elected the Chair, and Rebecca Skinner was elected Vice Chair.

She reported that the committee, acting as a project team, devoted its summer activities and focus on finding a replacement for Doug Mertz who retired from his role as the Council’s state legislative monitor in May. The committee reviewed and rated the proposals that responded to the request for proposals; conducted interviews with the applicants; reviewed legal opinions and discussed in depth the differences between a registered lobbyist and a legislative monitor; developed follow-up questions for the finalists; reviewed answers to the follow-up questions and the reference checks; and discussed the advantages and disadvantages of each candidate and prepared a recommendation for the full Board.

Moore stated that the committee was prepared to make its recommendation to the Board at this meeting and provide the information it considered. This would occur during the Council’s scheduled executive session at the end of this day’s agenda. Moore stated it was the committee’s hope that following that executive session the Board would authorize the Executive Director at this meeting to enter into contract negotiations with the recommended candidate.

##### **FINANCE COMMITTEE**

Treasurer Wayne Donaldson reported that the Finance Committee had met once

since the May Board meeting. It was an in-person meeting in Anchorage on August 7 and had accomplished the following:

- The committee reviewed the preliminary June 30, 2019 financial statements, and reviewed FY2019 budget modifications made to date.
- The committee met with Joy Merriner, BDO audit partner, to review plans for the FY2019 audit, including the scope of the audit, areas of focus, and strategy. BDO also provided training to committee members on issues such as fiduciary responsibility, best practices, cyber security, and updates on new accounting standards and reporting requirements.
- The committee also discussed with BDO planning for agreed-upon-procedures which are supplemental to the audit. The procedures involve additional examination of travel, lobbying, and non-Alyeska contract expenses.
- The Finance Committee will meet again with BDO in October to receive audit findings after completion of fieldwork and prior to the special board meeting.
- Financial Manager Gregory Dixon had provided the committee with an overview of possible changes to the FNBA repurchase agreement, the net effect of which is that PWSRCAC may see an increase in fees for maintaining this investment.
- Walt Wrede presented proposed by-law amendments to the committee relating to the sections defining Finance Committee responsibilities. The committee endorsed the revised Finance Committee bylaws, which would be taken up by the full board later during this meeting.
- The committee received an update from Financial Manager Dixon summarizing insurance policies maintained by PWSRCAC, as well as information on the accounting software and server upgrades made earlier in the year, a summary of the conflict of interest and disclosure forms completed by Board members and staff, and an update from Executive Director Schantz on recruiting a new legislative monitor.

Donaldson reported that Gregory Dixon had announced his intention to transition into half-time employment later this year or in early 2020. Recruiting would begin soon for a full-time bookkeeper or accountant who will take over many, but not all, of the duties performed by Dixon. He expected Executive Director Schantz to provide additional information during her Executive Director's report.

#### **BOARD GOVERNANCE COMMITTEE (BGC)**

Chair Robert Beedle reported that the Board Governance Committee met several times over the summer. At its meeting on August 13, he was elected as Chair of the committee and Dorothy Moore as Vice Chair.

The committee's primary focus over the summer months had been to complete the work it started on proposed amendments to Board Policy 621 and proposed amendments to the organization's Bylaws:

- Board Policy 621: Executive Director Evaluation and Compensation Policy. This matter was referred to the BGC by the Executive Committee. The existing policy was considered to be too long, and contained unnecessary detail and information already covered by Personnel Policies and the Executive Director's employment contract. The proposed amendments were on the Consent Agenda for approval at this meeting.
- Bylaw Amendments: The committee completed its work on proposed amendments to Section 3.18.2 and Section 3.18.3 of the Bylaws containing new language to include the Legislative Affairs Committee and the Finance Committee in the Bylaws as Board member-only committees. The proposed amendments would be presented for Board approval under Item 4-8 of the agenda.

Beedle thanked Dorothy Moore for all her work as Chair of this committee for several years.

#### **OPENING COMMENTS - EX OFFICIOS**

##### **ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION (ADEC)**

Craig Ziolkowski reported that Crystal Smith was recently appointed Central Manager of the PPR Division and had stepped into the role of State On Scene Coordinator (SOSC). He noted her attendance at this meeting, as well as that of ADEC SPAR Division Director Denise Koch.

He announced that the next Prince William Sound Area Committee meeting would be October 22, in Valdez. He also announced that the Arctic, Western Alaska c-plan was out for public comment until September 24.

He recognized the efforts of Alyeska on field deployment training on aerial oil observation by getting ADEC personnel in the air to observe the training.

In response to a question from OSPR Committee Chair Jim Herbert about cuts to the SPAR Division budget by Gov. Dunleavy, Director Koch stated that although there were a few weeks of uncertainty during the session, ultimately there were no cuts to the SPAR budget.

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

Lee McKinley spoke of his appreciation to be able to attend via teleconference and said he would be available for any questions the Council may have.

##### **BUREAU OF LAND MANAGEMENT (BLM)**

(No report.)

##### **UNITED STATES COAST GUARD (USCG)**

CDR Mike Franklin spoke via teleconference and made his report via a power point presentation. He noted with sadness the death of Petty Officer Lopez of USCG Cutter *Chandeleur* on August 31 and asked for thoughts and prayers for his family. He went on to report on USCG activities in Valdez since the last Board meeting:

- MSU Valdez Security Zone Enforcement Operations: 16 Jul - 12 Aug:
  - 15 Tanker Escorts.
  - High Capacity Passenger Vessels Escorts.
  - 31 Small Vessel Security Boardings.
  
- Cordova Fishing Vessel Exams September 3-9, 2019
  - 32 Fishing Vessel Exams conducted.
  - 9 Follow-up Exams conducted.
  - 31 Decals issued.
  - 57 Deficiencies issued.
  - 21 Deficiencies cleared.
  - 7 Facilities inspected.
  - 0 Facility deficiencies.
  
- MSU Valdez Pollution Response Operations May 2019- September 2019
  - 29 Pollution cases total
  - 24 were 1-2 gal discharged or less. Products oil, diesel, kerosene, gasoline, oily water.
  - 19 Jul 2019 M/V TINCAN: sunken recreational vessel 100 gal. gasoline
  - 3 Aug 2019 Crowley fuel truck transfer overflow in the Boat Harbor: 80 gal. diesel spill with the potential of 2,000 gal.
  - 14 Aug 2019 F/V MARINE STAR: vessel sank 200 gal. diesel with the potential of 1,500 gal.
  - 25 Aug 2019 F/V STEVEN DANIEL: vessel sank 400 gal. diesel spill with the potential of 850 gal.
  - 26 Aug 2019 F/V ARIEL: vessel sank after fire 500 gal. diesel spill with the potential of 1,000 gal.

On the administrative side, CDR Franklin reported six new personnel had transitioned into MSU Valdez during the summer months and they were on board and involved in daily operations. The unit attended a salvage seminar in Anchorage September 10-12.

Upcoming events would be the BP/ATC tanker exercise in October 9 and 10, which will involve two operational centers of Valdez and Anchorage; the Prince William Sound Area Committee meeting on Oct 22; and a preparatory exercise in April in Cordova.

In response to a question from Thane Miller about the nature of small vessel security boardings, CDR Franklin explained that a security boarding is when USCG is talking to boats about operations in a security zone and then they go on and check for safety equipment etc.

Miller followed up with a question about whether operators' transiting schedules were changed in order to avoid conflicts with the fishing fleet. CDR Franklin stated

that he was not aware that happened. He said they try to work with USF&G to avoid those conflicts.

IEC Chair Jane Eisemann expressed concern about the number of fishing vessel sinkings in Prince William Sound during this summer and asked if a “lessons learned” document had been published or whether there was more information available, such as type of vessel, size, current safety decals, so that she could pass the information on to the fishing community in Kodiak. CDR Franklin stated that USCG conducts its investigation of the marine casualties; sometimes trends are found and sometimes not. He said that USCG tracks sinking incidents in its internal computer system and works closely with NIOSH to see where the trends are going and that he could provide more information to Eisemann.

Mako Haggerty asked about the presentation of the “potential” volume spill size in CDR Franklin’s slide on spill incidents. CDR Franklin responded that the potential spill capacity is listed because that could be the potential spill volume that USCG would be dealing with even though the actual spill may be less.

Haggerty followed up with a question about how USCG personnel planned to travel to Cordova this winter with no ferry service. CDR Franklin stated that the lack of ferry service certainly would impact their ability to get to Cordova but their alternatives were to take the station boat over from Valdez or, more likely, to use commercial air and then borrow a vehicle from the station there.

Jim Herbert asked whether the USCG received complaints by pilots or operators in the Narrows about the security boardings. Franklin commented that, on the contrary, they received a lot of praise. The pilots were happy. The situation came about because of close calls in the past, and this was the option they chose to make things safer.

#### **NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA)**

LT Bart Buessler of NOAA Coast Survey reported that there was a new person in NOAA’s Ports Program/Co-ops Tides & Currents who had been working with PWSRCAC staff on the weather buoys to develop creative ways to pull the data from the buoys into the products NOAA already produces or expanded those on the tides and currents website. He thanked PWSRCAC and Amanda Bauer, specifically, who gave some great feedback on a rock that appeared at Muir Glacier, which culminated in a small NOAA pickup survey of the area when it was reported. He said he was particularly interested in the Council’s PPOR report, as it helps define areas and markings that can be put on a chart for vessel traffic.

Buessler reported that the news from Coast Survey headquarters is that paper chart production is being slowed and more emphasis is being placed on electronic charts. The paper chart henceforward will not be as up to date as the electronic chart. Buoy information and navigation dangers will continue to be added, but less critical information would be slow to make it to paper charts. He announced that NOAA was just starting the process of phasing out paper charts and using electronic charts exclusively. He said NOAA was in the early discussion stages and it would be a gradual process over probably a five-year period.

He announced that he now has a service email account which goes directly to him, but which will allow the next person coming in after him to have a record of all the emails he has been working on. His service email address is:  
[alaska.navmanager@noaa.gov](mailto:alaska.navmanager@noaa.gov).

Several Board members had questions relating to the phase out of paper charts. Buessler emphasized that NOAA would move slowly on this process and would make sure they did not get ahead of any USCG regulations for paper charts.

Skinner urged NOAA and USCG to talk to stakeholders before the phase-out of paper charts gets to the rulemaking process.

*Recess: 10:15 a.m. - 10:30 a.m.*

**ALASKA DEPT. OF NATURAL RESOURCES (ADNR)**

(No report.)

**U.S. FOREST SERVICE**

(No report.)

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

(No report.)

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)**

(No report.)

**OIL SPILL RECOVERY INSTITUTE (OSRI)**

(No report.)

**EXTERNAL OPENING COMMENTS: SHIPPERS & OWNER COMPANIES**

**POLAR TANKERS/CONOCOPHILLIPS**

Monty Morgan was not in attendance but sent a written report of activities since the May Board meeting, which was read by President Archibald, as follows:

*Polar Tankers has experienced no spills or lost time injuries.*

*Polar Adventure is in the shipyard in Singapore. New ballast water treatment system is being installed. Expect ship to arrive back in service in early November.*

*Polar Endeavour is the next ship scheduled for shipyard in early Spring 2020. Bridge team management class set for late October at AVTEC.*

*We continue to train with new tugs. Captains are encouraged to perform two exercises each tour.*

*YTD we have loaded 69 times.*

**CROWLEY ALASKA TANKERS**

Angelina Fuschetto and Paul Manzi briefed the Board on the activities of Crowley Alaska Tankers since the May Board meeting.

Manzi reflected that it had been a very busy 18 months since Crowley Alaska Tankers began operations in Prince William Sound. He said that while Crowley Alaska Tankers only operates two ships in the TAPS trade, it is in a very challenging environment.

Fuschetto gave an update on Crowley Alaska Tankers' operations from April 11, 2019 to July 31, 2019:

Total loads in Valdez	47
Total volume loaded	32,035,588 bbls.

She stated that the company continued to focus on Crowley Alaska Tankers' core values of safety, high performance, and integrity. With that culture the company puts a lot of focus on the prevention of accidents in the fleet, and follows a "stop-work authority" where at any point in time any person on the vessel can use their authority to stop work because they see something that they think is not safe. To date there had been five stop-work authorities declared, which she believed speaks to the company's fostering of a safe environment and dedication to the prevention of accidents. She stated that the company also encourages safety feedback from fleet personnel. To date, there had been 39 incidents reported and those reports had resulted in action onboard vessels.

She reported that the *Washington* had completed its dry dock in Singapore with no lost-time injuries and not even a nurse's station visit. The *Washington* received all its special survey requirements for its first year ABS inspection, its USCG COI inspections, etc. Fuschetto listed all the maintenance and updates made to the *Washington* during its dry-dock. The *California* was currently *en route* to her drydock maintenance in Singapore and will receive similar scope of work as the *Washington*.

Fuschetto announced that Crowley Alaska Tankers was preparing to start operations in Cook Inlet and had already filed a vessel response plan for the Cook Inlet area with ADEC, which was currently in the public review process. It will require some modifications to both the *Washington* and the *California*. Those modifications were started on the *Washington*, and a few still remain. The *California* will receive hers while in dry-dock. Manzi said there were approximately twenty engineering items that were being put into the vessels to operate better in Cook Inlet and comply with ice guidance there, and the company was sending its crews to AVTEC to do simulator training for operating in Cook Inlet.

Manzi reported that Crowley Alaska Tankers would all be using compliant fuel by mid-November and stated that a lot of work had gone into that fuel changeover.

As to ballast water treatment systems, Manzi stated that Polar Tankers had been working with Crowley Alaska Tankers to share information on ballast water treatment systems.

Bob Shavelson asked Manzi to talk about Crowley Alaska Tankers' engagement with CISPRI and what those conversations had been like. He noted that there had been concerns in Cook Inlet that some of the response capacity had been diverted for

service to pipelines, so the readiness that CISPRI would expect is not there. Manzi stated that at this point they were working off the plans that CISPRI currently has published.

#### **BP SHIPPING & ALASKA TANKER COMPANY (ATC)**

Jeffrey Adamczyk of BP Shipping reported that Anil Mathur of Alaska Tanker Company was unable to attend this meeting. He reported briefly on the sale of BP's Alaska assets to Hilcorp, noting that until the deal was final and all the regulatory approvals were received BP would continue operations on the North Slope and in Prince William Sound.

He reported that BP was responsible for the October area spill exercise and had already been practicing drills and would be bringing in personnel from all over the world. The scenario would be somewhat different this year with split operations between Valdez and Anchorage.

Adamczyk went on to outline the status of ATC's fleet operating in the Sound:

- Two export cargos: The *London Spirit* was loaded over the weekend and was on her way to the Far East. The *Sonangol Cabinda* is returning to Valdez at the end of the month.
- *Alaskan Explorer* was completing her dry dock in Singapore where a ballast water treatment system would be installed and she would undergo her 15-year survey.

OSPR Chair Jim Herbert suggested BP invite Hilcorp to the October area exercise. Adamczyk said he believed Hilcorp would have a presence during the drill.

#### **MARATHON (formerly Tesoro/Andeavor)**

(No report.)

#### **For the Good of the Order - SOUTHWEST ALASKA PILOTS ASSOCIATION (SWAPA)**

Capt. Matt Michalski of the Southwest Alaska Pilots Association (SWAPA) outlined personnel operating in Valdez: 15 full members that are VLCC qualified and three deputy pilots all holding 90,000 gross ton licenses, and one deputy pilot who had been training in Valdez. It was anticipated she would receive her very large crude carrier (VLCC) endorsement before year's end and at that time she would become a full member. He pointed out that to become a full member and VLCC qualified, one had to complete an additional Valdez training matrix and have held a deputy pilot's license for a minimum of three years. The total time to qualify to take the helm in Valdez, therefore, was approximately six to seven years. He reported that there were three trainees conducting hands-on maneuvers and two pilot observers in their training program.

He noted that the new pilot boat - the Emerald Island - has been a great addition to the fleet and had been in service since January 2019.

He reported that there had been an increase in cruise ship traffic in the first eight months of the year, including the arrival of the Royal Princess, the largest cruise ever to visit the region. In anticipation of the arrival of the Royal Princess, SWAPA participated in some proactive training in Southeast Alaska in collaboration with Princess Cruises and the Southeast Alaska Pilots Association (SEAPA). He thanked the industry partners for their cooperation in this cooperative training to ensure safe passage for the Royal Princess.

Capt. Michalski reported that vessel movements have increased 7% in the region in the first eight months of this year versus 2018. TAPS traffic was down slightly, but container traffic had remained more or less consistent. Cruise traffic was up. No yachts came into the region in the first half of the year.

**ALYESKA/SERVS ACTIVITY REPORTS**

Alyeska’s Andres Morales presented the Alyeska/SERVS activity report which covered the period through 8/31/19 for the most part:

**VMT Operations:**

- **Operations:** *(As of 8/31/2019)*

	<u>YTD 2019</u>
○ Tankers Loaded	159
○ Tankers Escorted	169
○ Barrels Loaded	112,968,284
	<u>Since start up</u>
○ Tankers Loaded	22,566
○ Tankers Escorted	13,873
○ Barrels Loaded	17,221,861,370
  
- **Safety:** *(As of 8/31/2019)*

○ Days away from work cases	0.00
○ TAPS Combined Recordable Rate %	0.46
  
- **Environment:** *(As of 8/31/2019)*

○ Spill Volume (Gallons)	6.629*
○ Number of Spills	11

(\*Berth 5 oil to water spill on 9/2/19. Sump overflow on Berth 5. Two failures. There should have been an alert that the tank was filling up and then it should have overflowed to the secondary containment without any leaks. Alyeska is still investigating with the staff in Valdez.)

**Fishing Vessel Availability by Port** (end of 2<sup>nd</sup> quarter 2019):

<u>Port</u>	<u>Tier 1</u>	<u>Tier 2</u>
Valdez	22	29
Cordova	37 (8 Rapid Resp.)	145
Whittier	6	23
Seward		31

Homer		47
Kodiak		<u>41</u>
<b>Totals</b>	<b>65</b>	<b>316</b>

### 2019 Drills, Exercises and Training:

#### 2<sup>nd</sup> Quarter highlights

- Fishing Vessel Training completed:
  - Homer: April 3 - April 9;
  - Seward: April 10 - April 14;
  - Cordova: April 15 - April 26;
  - Valdez: April 27 - May 3.
- May 22 & 23: Wally Noerenberg Hatchery exercise.
- May 24 & 25: Main Bay Hatchery triennial deployment.
- May 30: ADEC Initiated exercise with Mineral Creek Barge.
- Airborn Dispersant Delivery System (ADDS) Pack functional check out with new USCG aircraft.

### 2019 Drills, Exercises and Training:

#### Upcoming 2019 Exercise Highlights

- September 21-October 4: GRS Deployments at Eaglek Bay, Point Pellew, Unakwik Cove, Cabin Bay and Outside Bay.
- Fall Fishing Vessel Training:
  - Whittier: September 18 - September 25;
  - Cordova: September 25 - October 6;
  - October 9 & 10: BP/ATC PWS Tanker Exercise;
- September 23: Non-Mechanical Tactics Operational Readiness Exercise at Shotgun Cove following Whittier Fishing Vessel Training.
- October 4: Operational Readiness Exercise in Cordova following Fishing Vessel Training.
- October 7: Lynden/USCG ADDS Pack Training Exercise in Anchorage.
- October 9 & 10: BP/ATC PWS Tanker Exercise. (Forward Operating Post in Anchorage.)
- October 11 & 12: Valdez Duck Flats Deployment Training Exercise.
- October 21-26 Wildlife Training for Valdez and Cordova Fishing Vessel Crews.
- ECO assurance activities.

### 2019 Look Ahead

#### Contingency Plan Activities

- VMT coordination group quarterly meetings.
- VMT contingency plan renewal application:
  - Renewal application submitted to ADEC on 11/5/18;
  - 45 days of public review from 11/23/18-1/7/19;
  - Received 90 RFAIs from ADEC on 3/13/19;
  - APSC Responses to Round 1 of RFAI's submitted on 5/2/19;
  - Received 15 RFAIs from ADEC on 6/6/19;
  - ASPSC Responses to Round 2 of RFAIs submitted on 7/3/19;

- 10 days of public review for RFAI Responses from 7/19-7/29/19;
- Determination that “application is complete” issued on 8/7/19;
- ADEC decision and findings document due by 10/2/19;
- PWS Tanker Plan minor amendment projected for submission by end of month.

#### **VMT 2019 Projects Summary:**

- **X219 - 2019 Tank Inspection and Maintenance Program**
  - API 653 internal inspection of Tank 8 (Crude Storage Tank).

Morales reported that a few days prior to this meeting, Alyeska discovered a piece of pipe was pressed through the floor of the Tank 8 during routine inspection and maintenance. He reported that although nothing was leaking, it was of concern. Alyeska is still investigating, but Morales stated that the fix would be to use a large hex nut to jack up the column off the tank floor so it does not happen again. In the meantime, Alyeska put a bed of sand underneath the pipe and was testing areas to check for leaks and catchment ponds. Morales answered specific questions from Board members. Project Manager Austin Love added that a report should come from the results of the inspection and that would not happen until Alyeska has finished its investigation.

Morales went on to briefly summarize the remaining 2019 projects, noting that the previous issue and anticipated fix was not part of the summary because the power point presentation was made prior to the tank floor issue being discovered. He stated that many of the planned 2019 projects had been completed.

- **Z716 - Below Ground Crude Piping Internal Inspection**
  - Installed 36-inch dual off-take piping and valves upstream of the East Metering facility.
  - Required June pipeline shutdown for commissioning.
- **Z762 - 2019 Ballast Header Inspection and Repair**
  - Cleaned, inspected and repaired the ballast header piping from BWT West Manifold to the “B” header termination vault.
  - Shortest section of inspection program piping (~740 ft.).
- **Z586 - Berths 4 and 5 EMAC (Electronic Measurement and Control) Replacement**
  - Replaced existing Daniels Metering systems with a new site-specific Omni EMAC system for Berths 4 and 5 at the West Metering Facility.
  - Required a short shutdown for system conversion on each berth.
- **Z769 - Replace VMT Pig Receiver Isolation Valves**
  - Replaced the 48-inch (58-MOV-001) and 36-inch (58-MOV-003) scraper trap isolation valves at the East Metering facility.
  - Installation was driver of the August 2019 major maintenance pipeline shutdown.

- **Z748 – VMT Berth Crude Block Valves Replacement**
  - Berth 5 block valves were replaced in 2018.
  - Berth 4 block valves were replaced during the summer of 2019.

## **2020 VMT Projects Look Ahead**

- **W057 – Berth 1 Maintenance Support**
- **X220 - 2770 -- Tank Program**
  - Tank 94
- **Z773 – Ballast Water Piping Triennial Inspection**
  - Berth 4 ballast header and sump, Tank 94 drop leg.
- **Z730 – VMT Berth 4 & 5 gangway replacement.**

Following his presentation, Morales answered questions from the Board. Mako Haggerty asked if Hilcorp had been invited to attend the BP/ATC area exercise. Morales stated that any such invitation would come from BP because it is their drill.

In response to a question from Vice President Amanda Bauer, Morales reported briefly on the grounding of the tug *Commander*.

*Lunch Recess: 12:00 p.m. – 12:45 p.m.*

### **ADDRESS AND DISCUSSION WITH ADEC COMMISSIONER JASON BRUNE**

As he had promised at the Council’s May meeting, ADEC Commissioner Jason Brune returned to answer questions and provide more information on the issues that were raised at that time.

On the issue of his department’s review of c-plans, Brune reported that there would be a public comment period from October 15, 2019 to January 15, 2020, on the scoping process. At that time the ADEC project team will review the comments. He said he is of the opinion that the c-plans have become too large to be useable. Some requirements that have been added to the c-plans are good practice, but there is no basis in statute or regulation to support them. A second round of public comments will be available after ADEC has reviewed the scoping comments, provided input, and has issued its proposed changes, if any.

As he mentioned at the May meeting, ADEC planned to incorporate new technologies into ADEC’s regulatory work where it can, such as the use of drones for various applications.

Following his specific comments, he opened the floor to questions from the Board.

Eisemann asked if there would be an informative document issued prior to the scoping process where someone can look and see that in a specific c-plan there is a requirement and corresponding legislation that supports that, and also where there is a requirement that is unsupported by legislation at this time.

Commissioner Brune responded that ADEC will look at the regulations and ask the public to look at the regulations and offer their comments based on what is currently in the regulations. As to what is in a c-plan and what is not in a c-plan, that is going to be up to the public to look at the c-plans and tell ADEC where they have concerns and what needs to be fixed. That is the input ADEC needs and wants to hear in this review. He said that ADEC personnel are not going to go through c-plans and pull out what is in statute and regulations and what is not and put it into a document. He said he has heard concerns about the size the c-plans have grown to, and now it is up to those stakeholders to tell ADEC where they have concerns and what needs to be done to address those concerns. If there are concerns that industry has or the regional citizens' advisory councils have, ADEC needs to hear that feedback to make sure ADEC is doing it right, in a cost effective manner, that it is based in statute, and using best available technology, but also not doing things that are unnecessary, that are not doing anything to promote safe movement of oil, and that are just costing money and time and not adding any benefit to the process.

Steve Lewis pointed out that while PWSRCAC concerns itself with c-plans that relate to tankers and the VMT, and has the financial resources and knowledge to make comments as ADEC is envisioning, there are many other c-plans for other industries and locations around the state where the citizenry or stakeholders do not have the same financial resources or an organization that has a voice in the same manner as PWSRCAC. Lewis also pointed out that ADEC may receive comments from those focus areas that may simply consider their c-plan a financial burden to their corporate bottom line, and he went on to caution the Commissioner to consider carefully the source of those comments and consider the context from where those comments come. Commissioner Brune thanked Lewis for raising this issue and agreed that when a company can try to get around a rule, they will. He said it was important not to allow companies to get around the requirements that ADEC has in place for a reason.

Project Manager Linda Swiss pointed out that every section in a c-plan lists the regulations that it applies towards.

Thane Miller pointed out to Commissioner Brune that as a commercial fisherman his economics and financial wellbeing require the highest stands of protection, and that the Commissioner and ADEC is tasked to protect Alaska's environment and to represent the citizens of Alaska, not the interests of industry.

In response to a question from Wayne Donaldson to summarize the process going forward, Commissioner Brune recapped that the next step after the close of public comments on the scoping process in January will be that ADEC will evaluate the public comments, ADEC will propose changes based on those comments, and will put forward a process for changing those regulations, if appropriate, and then there will be another public comment period for a minimum of 30 days after ADEC issues its proposed regulation changes.

Robert Beedle asked the commissioner where ADEC will find the funds to do this review when all agency budgets were being cut and whether the department will hire extra personnel. The commissioner responded that there will not be new hires at

this time. He said that it is part of ADEC's responsibility to make sure that its regulations are not stale and that he had the staff to do the review. However, he added that he would go to the legislature and ask for additional funding if it became necessary.

ADEC SPAR Director Denise Koch stated that SPAR has resources internally to do the c-plan review work. If there was a situation where there were many or disparate comments, they could divide up the workload into pieces or have focused work groups, or even open yet another public comment period.

Executive Director Schantz asked for a commitment from Commissioner Brune that there would be a very strong stakeholder process at least as long as the original comment period *after* the scoping, and she was encouraged to hear that there may be focused work sessions as well. She said it was really hard for PWSRCAC to know where this process was headed, given that the c-plans that PWSRCAC deals with are long and cover so much. Both Commissioner Brune and Director Koch stated that comments specifically articulating what is important to PWSRCAC in the c-plans is what they were looking for in the scoping process.

Bob Shavelson said that he believed the commissioner's statement at the Board's May meeting that the Dunleavy Administration wants to promote Alaska as "open for business," and that the whole review process was being driven by industry, and the commissioner's comment that it was for "efficiencies" was code for rollbacks of regulations. He said he had spoken to several environmental groups recently and none had expressed concern with the c-plans rules. He stated it was his belief that the regulations were not stale, but rather this was all about corporate bottom lines, about money, and rollbacks. Shavelson asked Commissioner Brune for his thoughts on enhancing the c-plans. Brune stated that he looked forward to hearing things that are in the c-plans that are not in statute/regulations that are good requirements that should be incorporated into the regulations. He said efficiencies are not always about the bottom line. ADEC is looking at using technology and finding efficiencies in the way the agency does its work and to make sure it is spending Alaska's money appropriately. He wants to make sure that old regulations that are outdated are brought current. As to the Ocean Ranger program, he has committed that ADEC will develop a program that is better than what Alaska currently has for observing the cruise ship industry. He stated it would not include in that program *de facto* paid vacations for rangers from Florida "to breathe down the neck of a cruise ship captain."

Wayne Donaldson commented that PWSRCAC (and CIRCAC) are recognized under federal law as representatives of all the citizens of the region under OPA90, but not under state law. He said perhaps it was time that the RCACs are recognized under state law as representatives of the citizens. Executive Director Schantz noted that PWSRCAC is a named reviewer of c-plans under state regulations, and that gives the RCACs some elevated standing.

SPAR Director Koch commented, and Commissioner Brune confirmed, that the scoping effort would be expanded to include all of Article 4 under 18 AAC 75.

Commissioner Brune committed to a completely open and transparent process for this review. All comments received from this process will be posted on ADEC's website.

President Archibald stated that he saw the process as disjointed if there was to be no comment period after the initial scoping comments. Commissioner Brune said PWSRCAC will have another chance to comment if ADEC proposes changes to regulations, and those comments will be considered before the regulation changes become final.

Haggerty extended an invitation to the commissioner to return to the Board's January meeting, and to come with a list of comments that have been received. Commissioner Brune stated that he appreciated the invitation but had a prior commitment and would not be able to attend the Board's January meeting. He stated, however, that there would be other ADEC representatives at the Board's January meeting in his stead. He added that ADEC would not even be close to coming up with any regulatory changes at that time anyway because the public comment period would only just have closed, and the team would not have had time to go through all of the them.

President Archibald thanked Commissioner Brune and SPAR Director Koch for coming to the meeting and engaging with the Council.

#### **CONSENT AGENDA (3-1, 3-2, 3-3)**

The consent agenda consisted of three items: 3-1 Budget Modification - History of Contingency Planning; 3-2 Tanker Towline Deployment Best Available Technology; 3-3 Amendment to Policy 621 - Executive Director Evaluation Process.

Rebecca Skinner pulled Item 3-3 for discussion and further consideration. Item 3-3 was placed on the following day's agenda under Item J - Consideration of Consent Agenda Items.

Dorothy Moore moved to approve the Consent Agenda as amended. Robert Beedle seconded.

The consent agenda was approved as follows.

- **3-1 BUDGET MODIFICATION - HISTORY OF CONTINGENCY PLANNING**  
Approval of an FY2020 budget modification by moving funds for Project 6511 History of Contingency Planning to the contingency fund.
- **3-2 TANKER TOWLINE DEPLOYMENT BEST AVAILABLE TECHNOLOGY REVIEW**
  - A. Approval of a budget modification from the contingency fund to Project 8012 Tanker Towline Deployment Best Available Technology Review in the amount of \$9,369.
  - B. Authorization of a contract with Glosten in an amount not to exceed \$46,869 for Project 8012 Tanker Towline Deployment Best Available Technology Review.

#### **4-1 REPORT ACCEPTANCE: POTENTIAL PLACES OF REFUGE**

Project Manager Alan Sorum gave a brief history and overview of the project that looked at potential places of refuge for a stricken tanker in Prince William Sound, and presented an overview of the report's conclusions and recommendations. The contractor's final report (by Safeguard Marine, LLC), was included in the meeting notebook as Attachment 4-1 to the briefing sheet. The Board was asked to accept the contractor's final report.

ADEC's Craig Ziolkowski encouraged PWSRCAC to get the report in front of the Prince William Sound Regional Area Committee and said he would like to see the process continue. He said much of what PWSRCAC found in this process is parallel to GRS's.

Amanda Bauer moved to accept the report titled "Ship Simulation Modeling and Mariner Study of the Maritime Implications for Tank Vessels Utilizing Potential Places of Refuge, Prince William Sound, Alaska" by Safeguard Marine, LLC, dated July 15, 2019, as meeting the terms and conditions of the contract (Contract 8560-19-01), and for distribution. Dorothy Moore seconded, and the motion passed without objection.

*Recess: 2:50 p.m. - 3:05 p.m.*

#### For the Good of the Order

Item 4-4 Report Acceptance: LTEMP 2018 Sampling Results and Interpretations was moved up in the agenda to accommodate the presenter's call-in time on teleconference.

#### **4-4 REPORT ACCEPTANCE: LTEMP 2018 SAMPLING RESULTS AND INTERPRETATIONS**

Project Manager Austin Love, in conjunction with contractor Dr. James Payne of Payne Environmental on teleconference presented the LTEMP 2018 sampling results and interpretations and asked for Board acceptance of the report titled "Long Term Environmental Monitoring Program: 2018 Sampling Results and Interpretations." The goal of this long-term project is to provide the Board with information in order for them to make informed decisions on the environmental impacts of operations at the VMT.

Dr. Payne gave an overview of the LTEMP program which has been in existence since 1993. A briefing sheet and the report were included in the meeting notebook under Item 4-4 which included the last five years of actions taken by the Board on this program. Dr. Payne explained the sampling timeframes, the goals and historical results, and provided an in-depth review of the 2018 sampling results, specifically.

Jim Herbert congratulated the Alyeska/VMT that its ballast water treatment process is working but added that the program has to continue through sampling and monitoring to ensure that the clean environment continues.

Dorothy Moore moved to accept the report titled "Long Term Environmental Monitoring Program: 2018 Sampling Results and Interpretations" by Dr. James R. Payne and William B. Driskell, dated July 2019, as meeting the terms of the contract

(Contract No. 9510.19.04), and for distribution to the public. Rebecca Skinner seconded, and the motion passed without objection.

#### **4-2 UPDATE ON VALDEZ MARINE TERMINAL WEATHER BUOY DEPLOYMENT**

Director of Programs Joe Lally gave an update on the Port Valdez Weather Buoy which was deployed at Jackson Point on May 16, 2019. (This was the first of two buoys deployed by PWSRCAC. The second buoy was deployed at the Valdez Duck Flats on September 6, 2019. There was not enough data from the second buoy at the time of this report/meeting to include in this update.)

Lally interpreted the data from the Port Valdez buoy for the Board and explained the implications of that data to better understand the metocean or sea current and weather conditions experienced at the VMT. This information is vital to plan for or respond to an oil spill coming from that facility.

Data from the buoys will be reviewed over the next five years.

Lally and Executive Director Schantz expressed thanks on behalf of PWSRCAC to Alyeska for allowing the placement of the Port Valdez buoy, the City of Valdez (for a \$40,000 grant and other in-kind assistance) Prince William Sound Aquaculture Corporation (PWSAC), Fairweather, LLC (for the buoy), the Prince William Sound Science Center (PWSSC), the Valdez hatchery for providing some storage for the buoys, Thane Miller for painting supplies, and others who helped on the project and the buoy placements.

Schantz noted that PWSRCAC had already received some positive feedback on the data coming from the buoys. President Archibald thanked Project Manager Alan Sorum for all the time he put in on this project.

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

#### **4-3 REPORT ACCEPTANCE: 2018 DRILL MONITORING ANNUAL REPORT**

Project Manager Roy Robertson provided a briefing on the “2018 Drill Monitoring Annual Report” that summarizes the drills and exercises attended by PWSRCAC staff and contractors in 2018. Staff and the OSPR Committee requested Board acceptance of this annual report.

Michael Vigil moved to accept the 2018 Annual Drill Monitoring Report for distribution. Robert Beedle seconded, and the motion passed without objection.

#### **EXECUTIVE SESSION**

Thane Miller moved to go into executive session as listed on the agenda to hear information/discuss the following issues:

- Hear/discuss an update on the collaborative process on protections for the Valdez Duck Flats and the Solomon Gulch Hatchery.
- 4-5 State Legislative Monitoring Contact Approval.
- Discussion of Alyeska Funding Addendum.

Rebecca Skinner seconded, and the motion passed without objection.

The following were invited into the executive session: Executive Director Donna Schantz, all committee chairs, legal counsel Joe Levesque, Director of Administration Walt Wrede, Director of Communications Brooke Taylor, Project Manager Linda Swiss, and Director of Programs Joe Lally.

### **Recess**

The open meeting recessed for the day at 4:30 p.m.

**Friday, September 20, 2019**

### **CALL BACK TO ORDER**

President Archibald called the meeting back to order at 8:30 a.m. on September 20, 2019. A roll call was taken. There were 17 Directors present at the time of the call back to order (Archibald, Bauer, Beedle, Bender, Chadwell, Donaldson, Faulkner, Haggerty, Hasenbank, Malchoff, Miller, Moore, Shavelson, Skinner, Totemoff, Vigil, Zinck).

### **REPORT ON EXECUTIVE SESSION**

President Archibald reported the Board had discussed the following items in executive session and was ready to take action:

- The collaborative process related to protection of the Valdez Duck Flats and the Solomon Gulch Hatchery;
- 4-5 State Legislative Monitoring Contract;
- Discussion of Alyeska Funding Addendum.

### **COLLABORATIVE PROCESS**

President Archibald reported the Board had discussed the current status of the collaborative process related to protection of the Valdez Duck Flats and Solomon Gulch Hatchery and provided direction to the Executive Director to work towards a resolution of this matter.

### **4-5 STATE LEGISLATIVE MONITORING CONTRACT**

Dorothy Moore **moved to authorize** the Executive Director to negotiate a one-year contract with Kathryn “Kate” Troll for State Legislative Monitoring, as recommended by the Legislative Affairs Committee, in an amount not to exceed \$30,000. Thane Miller **seconded**.

A roll call vote was taken as follows:

Archibald	Yes
Bauer	Yes
Beedle	Yes
Bender	Yes
Chadwell	Yes
Donaldson	No
Faulkner	Yes
Haggerty	Yes
Hasenbank	Yes
Malchoff	Yes

Miller	Yes
Moore	Yes
Shavelson	Yes
Skinner	No
Totemoff	Yes
Vigil	Yes
Zinck	Yes

The motion passed (15 in favor, two opposed).

#### **ALYESKA FUNDING ADDENDUM**

President Archibald deferred to Vice President Amanda Bauer for a report on the Board's discussions of its Alyeska contract funding. Bauer reported the Board had discussed renewal of the Alyeska contract funding addendum that will expire June 2020 and gave direction to the Executive Director and the President to negotiate the addendum for 2020 through 2023.

*[End of report on the executive session.]*

#### **PRESIDENT'S REPORT TO THE BOARD**

President Archibald spoke of his concern about the diversion to other uses of appropriated funds from such agencies as the USCG.

#### **2-1 EXECUTIVE DIRECTOR'S REPORT TO THE BOARD**

A written Executive Director's Report was in the meeting notebook as Item 2-1.

In addition to her written report, Executive Director Schantz reminded everyone that a complete list of Council activities and projects were under Tab 5 in the meeting notebook. She went on to add the following observations and comments on activities since the May meeting:

She spoke of concern about the news learned from Commissioner Brune the previous day that the c-plan statute/regulation review would involve the opening of the entire Article 4 of the c-plan regulations [18 AAC 75], not sections 425 and 445 only, as staff was previously led to believe. She emphasized the enormity of this undertaking to PWSRCAC and to the staff. She said that PWSRCAC's concern will be that ADEC's c-plan review staff may not give the same weight to some of the details as PWSRCAC and/or the public does, and Schantz emphasized that staff would need to put a lot of effort towards making sure that the review does not allow the c-plan regulations to slide backwards.

On the Anchorage office renovation, she commented that it had caused a lot of disruption to staff, but ultimately the outcome was good. The Valdez office expansion, however, was on hold at the present time pending necessary building permits.

She confirmed earlier comments that Financial Manager Dixon planned to move to a part-time status, and as a result the office would be advertising for a bookkeeper/accounting professional to work with Dixon until he could eventually retire. She added that this plan had been vetted by PWSRCAC auditors.

She reported that Lisa Matlock's passing had hit staff hard. A Celebration of Life was scheduled that evening at the Abbott Loop picnic shelter in Anchorage. She commented that Lisa's family appreciated all the support they received from the entire PWSRCAC organization during Lisa's illness and now in their grief.

She noted that the long-range planning process is starting, and at the same time staff is executing all the projects and activities that have been funded for this year.

She thanked all the staff and volunteers for their work and support.

At the conclusion of Schantz's report, Vice President Bauer recognized Schantz's 20 years of service to the organization with a round of applause and words of thanks.

## **2-2 FINANCIAL MANAGER'S REPORT TO THE BOARD**

Financial Manager Gregory Dixon reported (via teleconference) on the status of the annual financial audit. He reported that he had been working with the auditors that week, and there remained some items he still needed to provide. Tentatively, the Finance Committee was scheduled to meet on October 18 with Joy Merriner of BDO to review the audited financial statements and a Special Board Meeting was tentatively planned for the end of October to go over the audit with the full Board at that time. Dixon said that Joy Merriner would also discuss some FY2020/2021 accounting changes for non-profits which would affect the way financial statements are presented. He commented that the Board would see changes in the way the FY2019 financial statements are presented and there will be additional notes in the audit report. He said the new presentation and notes would probably be more helpful to the Board as they will provide more transparency. He noted that several of the new requirements became effective only recently, with others coming in the future.

On other upcoming financial matters, Dixon noted that insurance policies would need to be renewed, and he would be discussing those renewals with the broker. He stated that he would also be reviewing the end of the first quarter budget with the project managers and discussing adjustments to budgets, etc.

He reported that staff was paying great attention and taking a proactive stance towards cyber security to increase the organization's defenses.

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

## **4-8 AMENDMENTS TO BOARD BYLAWS SECTION 3.18.2 AND 3.18.3**

Director of Administration Wrede brought forward for Board approval amendments to the Bylaws Sections 3.18.2. and 3.18.3 as outlined in the meeting notebook at Item 4-8. The proposed Bylaw amendments were an attachment to the briefing sheet under Item 4-8.

**Mako Haggerty moved to approve the proposed amendments of sections 3.18.2 and 3.18.3 of the Bylaws as presented, as follows:**

### *3.18.2 Authority of Standing Committees*

*3.18.2.1 Executive Committee. The Executive Committee shall be composed of the officers of the corporation other than the Executive Director and a member at large and may include two additional members at large from the board of directors. Subject to limitations on authority imposed by the Board, the Executive Committee shall have and may exercise all of the authority of the Board, except that no such committee shall have the authority to (1) amend the Articles of Incorporation, (2) adopt a plan of merger or consolidation with another corporation, (3) authorize the sale, lease, exchange or mortgage of all or substantially all of the property and assets of the corporation, (4) authorize the voluntary dissolution of the corporation or revoke proceedings therefore, (5) adopt a plan for the distribution of the assets of the corporation, (6) amend these Bylaws, or (7) approve or substantially modify the corporation's budget and/or contractual commitments.*

*3.18.2.2 Board Governance Committee. The Board Governance Committee is responsible for the organizational health and effectiveness of the Board. Its responsibilities include Board development, which includes training new Board members, as well as on-going development of Board position job descriptions. The Board Governance Committee also is responsible for annually reviewing the Council's Bylaws and practices and recommending any changes it deems appropriate related to Board structure or operations. By way of example, the Board Governance Committee should periodically review the manner in which meetings are conducted, the responsibilities of Board officers, and the use of both standing and ad hoc committees. The Board Governance Committee shall adopt and abide by a Charter approved by the Board. The Board Governance Committee shall assist the President of the Board and chairs of the Council's committees, recommending action in appropriate circumstances, in issues regarding individual Board members, including their participation or lack thereof with regard to Council's activities.*

*3.18.2.3 Finance Committee. The responsibility of the Finance Committee is to assist the Board in carrying out its fiduciary responsibility to oversee the financial affairs of the organization and the annual independent audit of the Council's finances. The duties of the Finance Committee may include review and / or recommendation to the Board regarding acceptance or amendment of interim financial reports and proposed budgets. The Finance Committee will meet with the independent auditor at least annually to review the scope of the annual audits and audit findings, review internal controls, annual financial statements, the IRS Form 990, and review and provide guidance on risk management, insurance policies, property management, procurement, contracting policies, insurance, fiscal ethics and compliance programs, and overall fiscal governance. The Finance Committee shall be appointed to one-year terms by the Board at the May Board meeting or at the time the budget is adopted. The Committee shall be comprised of the Treasurer, who shall chair the Committee and at least three members of the Board of Directors. (Resolution 03-03)*

*3.18.2.4 Legislative Affairs Committee. The responsibility of the Legislative Affairs Committee is to advise the Board on state and federal legislative matters directly related to the PWSRCAC mission and its duties as set forth in the Oil*

*Pollution Act of 1990 (OPA 90) and the contract with Alyeska Pipeline Service Company. The responsibilities of the Legislative Affairs Committee may include advising the Board on legislative priorities, relevant legislation and regulations, administrative actions, and department budgets. The Committee may produce informational materials on legislative priorities that educate and inform, make recommendation to the staff on administrative actions that advance legislative priorities, and participate in legislative visits to Juneau and Washington D.C. Committee members shall serve one-year terms and shall be appointed by the Board at the May Board meeting. The Committee shall be comprised of at least four Board members.*

*3.18.2.5 Standing Committees Other Than Board Member Only Committees. The following are standing committees:*

*Terminal Operations and Environmental Monitoring Committee  
Oil Spill Prevention and Response Committee  
Port Operations and Vessel Traffic System Committee  
Scientific Advisory Committee  
Information and Education Committee*

*Each standing committee named in this section may adopt a charter or operating procedures which shall be approved by the Board, but at a minimum shall adopt policies that:*

- A. For committees not consisting only of members of the board, set the number of members required for a quorum, but in no event shall that number be less than three. For committees consisting only of members of the board, set the quorum as specified in Bylaw 3.18.3*
- B. Allow members to go on inactive status for a period of up to six months with advance notice to the committee and the affirmative vote of a majority of committee members voting at any regularly called meeting.*
- C. Remove members who have been absent for a minimum of three consecutive meetings without communicating the reasons for the absence and setting a time for their return.*

*Committees named in this section shall have and may exercise such authority as may be given to them by the Board. One or more directors shall be assigned to each standing committee named in this section, with the Legislative Affairs Committee, the Board Governance Committee, and the Finance Committee, which shall be composed entirely of members of the Board*

*3.18.3 Quorum and Manner of Acting. Three members of the executive committee shall constitute a quorum for the transaction of business at any meeting of such committee. A majority of the number of Directors composing any committees established by the Board and consisting only of Directors shall constitute a quorum for the transaction of business at any meeting of such Committee. If less than a quorum is present at a meeting, a majority of such Directors present may adjourn the meeting from time to time without further notice. The act of a majority of the members of a committee present at a meeting at which a quorum is present shall be the act of the committee.*

Robert Beedle seconded. There was no discussion. (For the record, there were 17 Directors present.) President Archibald asked for any objections to the motion, **hearing none, the motion carried by a 2/3rds vote (17 in favor; 0 opposed.)**

#### **4-7 UPDATE ON THE VALDEZ TERMINAL CONTINGENCY PLAN RENEWAL**

Project Manager Linda Swiss gave an update on the VMT c-plan renewal, reporting that the majority of PWSRCAC's suggested RFAIs issued in January 2019 remained outstanding, including:

- Solomon Gulch Hatchery and Valdez Duck Flats Sensitive Area Protection Mobilization Decision Matrix.
- Secondary containment
- Response training
- Prevention training
- Scenario 4
- Scenario 5
- Tugs

Swiss reviewed each of the above issues with the Board.

POVTS Committee Chair Steve Lewis volunteered to help staff with the c-plan issues that involve technical issues.

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

#### **4-6 REPORT ACCEPTANCE: METAGENETIC ANALYSIS OF PLANKTON SAMPLES IN PWS**

Project Manager Austin Love introduced Dr. Jonathan Geller who presented findings and a report by Moss Landing Marine Lab on the genetic analysis of plankton samples gathered in 2017 in Port Valdez by the Prince William Sound Science Center (PWSSC) and sent to Moss Landing Marine Laboratories in California for genetic analysis. The overall goal of that genetic testing was to identify any marine invasive species in the 2017 plankton samples. The report by Moss Landing Marine Laboratories describes the methods used to collect and genetically analyze the 2017 plankton samples provided by the PWSSC. The report provides the result of the genetic analysis. Additionally, the report compares the 2017 results to similar 2016 results.

OSPR Committee Chair Jim Herbert asked Dr. Geller to include his recommendations in the report, as he had presented them to the Council, because those explanations answered many of the questions and concerns he had when he read the report alone. At a minimum, he said the most likely invasive species to appear should be put into a database so they can be tracked.

**Amanda Bauer moved to accept the report titled "Metagenetic Analysis of 2017 Plankton Samples from Prince William Sound, Alaska" by Dr. Jonathan Geller, Melina Wheelock, and Martin Guo, dated August 15, 2019, as meeting the terms and conditions of Purchase Order 17055 and for distribution to the public. Thane Miller seconded, and the motion passed without objection.**

*Recess: 10:00 - 10:12 a.m.*

#### **4-9 PWSRCAC LONG-RANGE PLANNING**

Director of Programs Joe Lally introduced a discussion of the Board's long-range planning process, including a list of proposed protected projects that would become part of the long-range plan, if the Board approved them. Staff and the Long-Range Plan (LRP) Committee requested the Board to review and approve the protected project list.

Lally read the definition of a protected project under the currently approved LRP as follows:

*However, some projects - such as the Observer and the annual report - do not have clear starting and ending dates but instead are presumed to be permanent, ongoing parts of the Council's operations. Any such projects determined to be permanent and ongoing or mandatory obligations based on OPA90 or our contract with Alyeska are to be classified as protected projects. The Board will annually review and approve any recommendations for protected projects. Protected projects are not subject to the project scoring as outlined later in this plan.*

He reported that the LRP Committee, consisting of Amanda Bauer, Thane Miller, Rebecca Skinner, and the chairs of the technical committees, had met on August 16 and elected Cathy Hart chair of the LRP Committee.

The protected project list was included in the meeting notebook as Attachment A to Item 4-9 briefing sheet. Lally reviewed the protected projects with the Board.

Lally announced that the deadline for submission of external projects for the LRP process had been extended to September 23, and the LRP Committee meeting was scheduled for September 25.

Steve Lewis asked each Board member to think about their member entities and see if there is work that they think would be of value to do. He also emphasized that this is the Board's long-range plan but the committees would benefit from having some guidance of what the Board's long-term goals are, which would help the committees know where to go with the tactics of reaching those goals. He urged all Board members to take individual action over the next several months to participate in the long-range planning process.

**Amanda Bauer moved to approve the protected project list for the upcoming Long-Range Planning Process as presented in Attachment A to the 4-9 briefing sheet. Thane Miller seconded, and the motion passed without objection.**

#### **CONSIDERATION OF CONSENT AGENDA ITEMS**

Item 3-3 on the consent agenda was pulled by Rebecca Skinner for discussion. She asked staff to review the policy change with the Board so individual Board members were aware of the policy change and why the policy change was deemed necessary.

Director of Administration Wrede explained that the policy change was mostly an effort to clean up and shorten the existing Policy 621 by making it more concise and consistent with other documents. The main proposed changes to the policy were that the Board would have the option to delegate the Executive Director's evaluation to the job description or salary, then that would come to full Board for approval. The other change was that a recommendation by the Finance Committee on compensation would no longer be required.

Donaldson pointed out that as to the Finance Committee recommendation, the committee had not weighed in on compensation since he had been on the committee.

Dorothy Moore moved to approve the amendments to Board Policy 621, as presented. Thane Miller seconded, and the motion passed without objection.

The amended Policy 621 reads as follows:

***Executive Director Annual Evaluation Policy:** The full Board hires and retains the Executive Director (ED) through an employment agreement. The term of the agreement is extended annually for a period of one year, provided that the ED receives a satisfactory evaluation by the Board*

*To support this process, the Executive Committee shall develop and revise ED performance goals annually for consideration and acceptance by the full Board at the January meeting. The Board may choose to delegate evaluation authority to the Executive Committee, although any recommended salary or other action resulting from the evaluation shall remain with the full Board. The Board Secretary will collect input and distribute evaluation materials to the Board annually in February and provide results prior to a special meeting of the Board held annually in March to discuss and deliver the appraisal with the ED. The Director of Administration is responsible for keeping employer records of the annual ED evaluation process. The Board (or Executive Committee) will conduct annual reviews every March so that the results may be used to calculate appropriate salary adjustments prior to the upcoming year's budget approval (any such salary adjustments are dependent on PWSRCAC budget and funding constraints). ED performance will generally be characterized in terms of meeting or failing to meet Board performance expectations which includes the job description and any special goals that may have been established on a scale of 1 to 5 as follows:*

- 1 "Unsatisfactory" - Frequently fails to meet expectations*
- 2 "Needs some improvement" - Occasionally fails to meet expectations*
- 3 "Satisfactory" - Consistently meets expectations*
- 4 "Very Good" - Occasionally exceeds expectations*
- 5 "Excellent" - Consistently exceeds expectations.*

*If the ED receives a less than satisfactory evaluation overall, the Board will give a period of time (up to four months) for the ED to improve performance, following which the Board will make a decision on extending the ED contract.*

**CLOSING COMMENTS**

Directors were given the opportunity to make closing comments.

Steve Lewis thanked the *ex officio* members for staying to the conclusion of the meeting.

Picking up on an earlier comment by President Archibald about training in conditions in which crews are expected to respond, Lewis pointed out that even though there are good simulators and training, the one piece that cannot be simulated is the actual towing/tethering of lines, etc. It needed to be practiced.

**ADJOURNMENT**

There being no further business to come before the Board, **the meeting was adjourned** at approximately 11:15 a.m.

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Secretary