

PRINCE WILLIAM SOUND
REGIONAL CITIZENS' ADVISORY COUNCIL
MINUTES
REGULAR BOARD MEETING
January 27 and 28, 2022
(Virtual)

Members Present

Robert Archibald	City of Homer
Amanda Bauer	City of Valdez
Robert Beedle	City of Cordova
Ben Cutrell	Chugach Alaska Corporation
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
Dorothy Moore	City of Valdez
Bob Shavelson	Oil Spill Regional Environmental Coalition
Rebecca Skinner	Kodiak Island Borough
Angela Totemoff	Tatitlek Corporation & Tatitlek Village IRA Council
Michael Vigil	Chenega Corp. & Chenega IRA Council
Kirk Zinck	City of Seldovia

Members Absent

Mike Bender	City of Whittier
Nick Crump	Prince William Sound Aquaculture Corporation
Patrick Domitrovich	City of Seward
Elijah Jackson	Kodiak Village Mayors Association

Ex-Officio Members Present

Allison Natcher	Alaska Dept. of Environmental Conservation
CDR Patrick Drayer	USCG MSU Valdez
Torri Huelskoetter	US EPA
Lee McKinley	Alaska Dept. of Fish & Game
Reid Olson	Bureau of Land Management
Scott Pegau	Oil Spill Recovery Institute
Phillip Johnson	US Department of the Interior
Catherine Berg	NOAA

Committee Members Present

Steve Lewis	POVTS Committee
Jim Herbert	OSPR Committee

Davin Holen
John Kennish
Cathy Hart
Savannah Lewis

SA Committee
SA Committee
IE Committee
IE Committee

Staff Members Present

Donna Schantz
Joe Lally
KJ Crawford
Walt Wrede
Brooke Taylor
Gregory Dixon
Ashlee Hamilton
Jennifer Fleming
Betsi Oliver
Linda Swiss
Alan Sorum
Austin Love
Amanda Johnson
Jeremy Robida
Roy Robertson
Danielle Verna
Nelli Vanderburg
Hans Odegard
Jaina Willahan

Executive Director
Director of Programs
Director of Administration
Director of Administration
Director of Communications
Financial Manager Emeritus
Financial Manager
Executive Assistant
Outreach Coordinator
Project Manager
Project Manager
Project Manager
Project Manager
Project Manager
Project Manager
Project Manager
Project Manager Assistant
Project Manager Assistant
Administrative Assistant

Others Present

Andres Morales
Mike Day
Weston Branshaw
Kate Dugan
Suzanne Cunningham
Commissioner Jason Brune
Anna Carey
Mo Radotich
Melissa Woodgate
Tiffany Larson
Seth Robinson
Becky Spiegel
Emma Pokon
Diane Munson
Graham Wood
Laura Achee

Alyeska Pipeline Service Company
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Jenny Benda	Alaska Dept. of Environmental Conservation
Craig Hyder	Marathon Petroleum
Marc Bayer	Marathon Petroleum
Monty Morgan	Polar Tankers
Angelina Fuschetto	Crowley Alaska Tankers
Mark Curtis	Crowley Alaska Tankers
Rob Kinnear	Hilcorp
Chris Merten	Alaska Tanker Company
Lori Nelson	Hilcorp
Diane Dunham	Hilcorp
Eileen Oliver	Bureau of Land Management
Steve Weeks	Bureau of Land Management
Joe Levesque	Levesque Law Group, legal counsel
Paul Twardock	Prince William Sound Stewardship Foundation
Gene Therriault	Council's State Legislative Monitor
Bill Driskel	Independent Consultant
Jim Payne	Payne Environmental Consultants, Inc
Liz Bowen	U.S. Geological Survey
Brenda Ballachey	U.S. Geological Survey
Sierra Fletcher	Nuka Research and Planning Group, LLC
Liz Mering	Cook Inletkeeper
John Beath	John Beath Environmental
Sarah Backes	John Beath Environmental
Breck Tostevin	Nielsen Koch, & Grannis PLLC
LJ Barrett	KBBI AM 890 Public Radio, Homer
Leonardo Wassilie	Salmonberry Tribal Associates
Julien Atrilinguk Jacobs	Citizen
Rick Steiner	Citizen

[Recorder's Note: Due to the COVID-19 pandemic, this meeting of the Prince William Sound Regional Citizens' Advisory Council was conducted in its entirety by videoconference, with participants primarily located in the EVOS region.]

Thursday, January 27, 2022

CALL TO ORDER, WELCOME, INTRODUCTIONS/DIRECTOR REPORTS

A regular meeting of the Board of Directors of the Prince William Sound Regional Citizens' Advisory Council was held January 27 and 28, 2022, via Zoom video conference. President Robert Archibald called the meeting to order at 8:30 a.m. on January 27 and welcomed everyone to the meeting.

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, Cutrell,

Donaldson, Haggerty, Hasenbank, Malchoff, Moore, Shavelson, Skinner, Vigil, and Zinck. (Patience Andersen Faulkner joined the meeting shortly thereafter at 8:38 a.m., followed by Angela Totemoff at 9:17 a.m.)

Introductions and Directors' reports followed.

(Patience Andersen Faulkner joined during Director Reports at approximately 8:38 a.m. 14 Directors present.)

Archibald welcomed the new staff members Ashlee Hamilton (Financial Manager), KJ Crawford (Director of Administration), and Jaina Willahan (Administrative Assistant, Anchorage office). Dorothy Moore acknowledged the 100th birthday of Valdez resident Gloria Day and pointed out that the Day family formerly held title to the land on which the Valdez Marine Terminal presently sits. The community would recognize this milestone birthday and its significance to Valdez and Alaska later in the day.

1-0 AGENDA

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

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

1-1 MINUTES

Amanda Bauer **moved to approve the minutes** of the Regular Meeting of the Board of Directors of September 16 and 17, 2021. Mako Haggerty **seconded** and the **minutes were approved as presented**.

1-2 MINUTES

Amanda Bauer **moved to approve the minutes** of the Special Board Meeting of October 15, 2021. Michael Vigil **seconded** and the **minutes were approved as presented**.

PUBLIC COMMENTS

Rick Steiner thanked the Council for maintaining its vigilance over oil transportation in Prince William Sound. He outlined his proposal to reduce the incidents of ships and specifically TAPS tankers from striking whales in Prince William Sound. He asked the Council to move the proposal into its queue for a future project. The proposal requests TAPS tanker owners to voluntarily adopt reasonable mitigation measures to limit whale strikes by its tankers.

Steiner also asked the Council to reconfirm and/or push Alyeska to suspend loading/unloading operations at the Valdez Marine Terminal (VMT) during tsunami alerts to avoid problems such as those experienced in Peru during a recent tsunami from a massive underwater volcanic eruption off the coast of Tonga.

Paul Twardock of the Prince William Sound Stewardship Foundation introduced the foundation and its various areas of focus in Prince William Sound that may be of interest to the Council.

INTERNAL OPENING COMMENTS – PWSRCAC TECHNICAL COMMITTEE UPDATES

OIL SPILL PREVENTION & RESPONSE COMMITTEE (OSPR)

Chair Jim Herbert thanked all the committee members for their efforts and specifically recognized Jerry Brookman, who had attended over 118 meetings over many years, and Gordon Scott who had been a volunteer and committee member since the beginning of PWSRCAC.

He reported that since the last Board meeting in September the committee had done the following:

- The committee, along with the other technical committees, was kept informed about ADEC's regulatory reform efforts. There would be a presentation by Sierra Fletcher of Nuka Research and Planning Group later in the agenda.
- Due to precautions of the COVID-19 pandemic, Council staff had not been able to observe as many SERVS exercises as usual during 2021 but had observed some and had accepted a few exercise reports, including the 2021 Annual Drill Monitoring Report which was on the agenda for acceptance at this Board meeting.
- The committee was updated on area and regional planning efforts for the Alaska Regional Plan, and the Prince William Sound, Arctic and Western Alaska, and Inland Alaska Area Contingency Plans.
- The committee was updated on the c-plan reviews and amendments:
 - As to the Valdez Marine Terminal C-Plan, the committee reviewed the December 2021 decisions issued by ADEC regarding the integrity of the secondary containment liner at the terminal. The committee supports the filing of a Request for Adjudicatory Hearing. This topic would be discussed further during this Board meeting.
 - As to the Prince William Sound Tanker C-Plan, the committee was updated on the plan renewal. A presentation would be made to the Board on this subject later in the agenda.

- A draft of the Copper River Delta and Flats whitepaper will go to the committee at its next meeting and a final version should be ready for Board acceptance at the Board's May meeting.
- The Port Valdez Weather Buoy project team met to discuss the direction of the contracting process for the ongoing buoy data analysis project. The project team recommended entering a sole source contract with Rob Campbell, Ph.D., through the Prince William Sound Science Center, as they were pleased with his report for the first year's update. One item of interest Herbert pointed out was that the pulse of atmospheric pressure that came over Prince William Sound from the recent underwater volcanic eruption off the coast of Tonga was recorded in a timely fashion on the VMT weather buoy.
- An RFP was issued for the Out-of-Region Equipment Survey. Nuka Research and Planning was selected as the contractor. A contract was being drafted and work should begin in mid-February.
- The fishing vessel training will likely be a hybrid program for the fleet again for 2022, consisting of an online eight-hour HAZWOPER training followed by a two-day, on-water exercise in the various communities beginning in Kodiak in April.
- Wildlife training for a portion of Homer and Seward fleets will take place at the end of March in Homer. Shortly after that Dr. Randall will conduct a sea otter training in Anchorage for those interested in becoming part of the pool of trained responders, helping with sea otters specifically, that would be activated should there be an event.

Jim Herbert thanked Nelli Vanderburg and all staff who assist the committee.

TERMINAL OPERATIONS AND ENVIRONMENTAL MONITORING COMMITTEE (TOEM)

Chair Amanda Bauer updated the Board on the Terminal Operations and Environmental Monitoring Committee (TOEM) activities since the last Board meeting in May.

- The committee reviewed the draft report for the project titled Review of the EPA NESHAP-OLD Air Quality Rule by John Beath Environmental. The conclusions of that report indicate that Alyeska is already adequately controlling the emissions of hazardous air pollutants from the Valdez Marine Terminal (VMT). The committee has recommended the report be accepted as final by the Board and that the Council send a letter to the EPA supporting Alyeska's appeal of the EPA's 2020 rule. John Beath Environmental would present their report later during this Board meeting.
- Recommendations pertaining to the maintenance of Crude Oil Tank 7 were sent to Alyeska on December 1, 2021. The recommendations were provided by the

Council's contractor Taku Engineering after they conducted a site visit of the inside of Tank 7 on November 10, 2021. The site visit and recommendations are part of the Council's current Tank 7 and Tank 94 Maintenance Review project. To date, Alyeska had not responded to the recommendations, but Council staff and Alyeska staff have been working towards a response.

- The committee continued to monitor Alyeska's implementation of spill prevention related recommendations resulting from the April 12, 2020 oil spill from the VMT. During the December 9, 2021 TOEM Committee meeting, Alyeska staff reported that all the recommendations had been completed (a significant milestone). However, Alyeska continued to work on mitigating lingering contamination from that 2020 oil spill.
- The committee had been contemplating a PFAS-related VMT project for a few years. In October 2021, the committee was made aware of proposed Alaska legislation that could involve PFAS at the VMT, such as the thousands of gallons of aqueous film forming foam (AFFF) stored for firefighting at the VMT. The TOEM and LAC committees have agreed to monitor that pending legislation and will recommend a course of action to the Board regarding PFAS use at the VMT.
- The committee reviewed the December 2021 decision issued by the ADEC's SPAR Director Tiffany Larson regarding the integrity of the secondary containment liner at the VMT. Based on information currently available, the committee supports the Board's appeal of ADEC's decision through a Request for Adjudicatory Hearing. This issue was scheduled for further discussion at this Board meeting.

INFORMATION AND EDUCATION COMMITTEE (IEC)

Vice Chair Savannah Lewis reported that the Information and Education Committee (IEC) had had three regular meetings and two project team meetings since the Board's September meeting.

The committee's focus since September was as follows:

- Project 3500 - Community Outreach: During ADEC's regulatory reform efforts, staff members attended city council meetings, sent information to member entities and other stakeholders, and encouraged the public to submit comments on the proposed reforms. Outreach Coordinator Betsi Oliver exhibited the Council's booth at the Alaska Association of Harbormasters and Port Authorities conference and the Alaska Municipal League conference. Oliver also presented virtually to the University of Alaska Fairbanks' Water Environmental Research Center and students at Prince William Sound Community College in Valdez. Oliver also organized the Alaska Center of the Environment oil spill prevention and response track, which was scheduled for February in a virtual format. Lastly, the Tsunami Bowl high school

marine science quiz competition will be in person this year in Seward. Jim Herbert and Cathy Hart have volunteered to be judges. However, the high level of COVID-19 cases has caused some to reconsider.

- Project 3530 - Youth Involvement: Since the last Board meeting, several Youth Involvement projects from spring and summer 2021 were completed. Youth Involvement projects are operated by partner organizations and the Council provides small amounts of funding to ensure oil spill prevention and response components are included in their marine science content. These included three trainings for teachers to build their skills to teach students about spill prevention – two with the Prince William Sound Community College and one with the Chugach National Forest. All courses offered teachers credit. High school students from Cordova and Valdez participated in a field program learning about the Copper River watershed from upriver through the marine environment. At the Center for Alaskan Coastal Studies in Homer they were able to engage students in person as campers and interns, as well as develop a series of video virtual field trips. In Cordova, sixth graders participated in several in-depth sessions about the history of the *Exxon Valdez* oil spill (EVOS), and in Valdez, sixth graders developed video projects exploring a component of EVOS history of their choice.

The committee approved five new Youth Involvement projects for summer 2022.

- Project 3610 - Website and Web Presence: The committee reviewed analytics for the Council's websites (pwsrca.org and the committee extranet). The committee also reviewed performance of online ads paid for through the Google Ads Grant and recent campaign tracking. Highlights were available in the committee's status report at: www.tinyurl.com/IECwebstats. This annual review helps the committee plan for evaluating future projects and areas for improvement. A more detailed report was available from Council staff member Amanda Johnson.
- Project 3903 - Internship: Intern Rosie Brennan did extensive outreach to those most likely to use the Council's lesson bank, including teachers, homeschool educators, librarians, and educational organizations. The hands-on lessons include ecosystem science, oil science, social science, math, art, and literature as part of the Council's K-12 education materials engaging youth with the history of the EVOS, stewardship, and spill prevention and response concepts. Brennan created a report for IEC detailing short and long-term outreach and education that the Council can employ to improve usability of and engagement with the lesson bank. Brennan has also added recently developed lesson plans to the lesson bank. Brennan's internship will end soon and she will provide a final report of her work to IEC. She will be representing the United States on the Olympic Ski Team in February.

- Project 3410 - Fishing Vessel Training Community Outreach: Alyeska has announced its dates for spring SERVS fishing vessel training in Seward, which is the next community in rotation for the Council to host its public outreach program. Planning was underway for safely hosting the community to observe and learn about the SERVS system and fishing fleet training.
- Project 6560 - Peer Listener: The committee accepted the proposal from Purpose Driven Consulting to conduct phase one of the Peer Listener project to conduct research about current best practices used around the state and nation to support peer-to-peer mental health support, specifically as it relates to disaster recovery. This research will be used to inform updates to the Peer Listener Training program. The research phase will be complete in June 2022.
- Other: The committee approved a conference attendance request for Cathy Hart to attend the virtual NTEN conference in March. The agenda is available at nten.org. IEC is also looking for a new committee member.

(Angela Totemoff joined the meeting during the IEC report at approximately 9:17 a.m. 15 Directors present.)

SCIENTIFIC ADVISORY COMMITTEE (SAC)

Chair Davin Holen mentioned PWSRCAC intern Rosie Brennan and her dedicated work with the committee's projects and wished her well in Beijing in February as a member of the US Olympic cross-country ski team. Holen went on to give a brief overview of his work experience and credentials, explained the committee's purview and work, and updated the Board on the committee's activities since the September Board meeting:

- Long Term Environmental Monitoring Program (LTEMP): All the 2021 LTEMP field samples (mussels, sediments, and passive sampling devices) were chemically analyzed for oil contamination. Through the Council's request for proposals (RFP) process, the committee identified two contractors, Owl Ridge Natural Resource Consultants and Payne Environmental Consultants, Inc., and recommended that the Council work with both contractors to interpret and report on the 2021 LTEMP data.

The committee accepted the Oil Spill Executive Summary report on the April 12, 2020, oil spill at the Valdez Marine Terminal (VMT) and recommended the Board accept the report as final at this Board meeting. The associated peer-reviewed, journal-styled report was not accepted for publication by two journals, Environmental Science & Technology and Marine Pollution Bulletin. However, the plan was for the detailed report to be formatted into a Council-style report so that information would be available for future use.

The committee accepted a proposal by Dr. Lizabeth Bowen and others to conduct additional transcriptomics research on mussels collected with regard to the April 12, 2020 oil spill from the VMT. The committee recommended the Board fund that proposal (agenda Item 4-1) at this Board meeting. One of the key objectives of that research is to identify a set of mussel genes that can be used to specifically monitor the environmental impacts of Alaska North Slope crude oil.

- Dispersants Use Position Update Project: The Dispersant Use Position Update project team met in late October to kick off the project. Elise DeCola from Nuka Research and Planning provided the team with a summary of the project goals and deliverables. In mid-January Nuka provided an initial, draft report summarizing the science, policy, and regulatory framework for dispersants use in the EVOS region. The report contained draft position statements on the use of dispersants the Council could consider adopting. The project team and the committee will review the report and draft position statements prior to a workshop for Board members to be held on March 10, 2022. The workshop will be an opportunity to provide input on the Council's position update. Board members were encouraged to participate and reach out to staff with questions.
- Winter Marine Bird Survey Project: The second year of winter marine bird surveys were anticipated to take place in late February or early March, weather dependent. The surveys will be conducted by staff from the Prince William Sound Science Center onboard the R/V *New Wave* and will follow the same transects as the first year to produce comparable data. A contract with the Prince William Sound Science Center to complete the surveys was recently finalized.
- Forage Fish Survey Project: The committee accepted the report provided by Dr. Scott Pegau summarizing the results of the forage fish surveys in Prince William Sound conducted in June 2021. The report would be presented to the Board at this meeting for consideration and final acceptance.
- Marine Invasive Species Project: The Council's invasive species interns monitored for invasive green crab in Cordova and Valdez monthly from May through September 2021. No green crabs were found. Data collected during the monitoring, including information on native species captured in the traps, were submitted to the Alaska Department of Fish and Game. To monitor for invasive tunicates and other fouling organisms, the interns deployed and retrieved ten PVC panels in both the Cordova and Valdez harbors in June and September. Photos and data were submitted to the Smithsonian Environmental Research Center's Plate Watch website.

The plankton samples collected in Port Valdez last summer were currently being analyzed by contractors at the Smithsonian Environmental Research Center. The

analysis was delayed slightly due to a backorder of PCR supplies brought on by the pandemic. A draft report with initial results of the analysis was anticipated in March 2022.

- Oxygenated Hydrocarbon Project Update: The oxygenated hydrocarbons project moved forward with Alyeska's cooperation and support to collect samples from the Ballast Water Treatment Facility at the VMT. Following concerns expressed by Alyeska last fall on the intent of the project and the COVID protocols in place at the time, the Council provided an updated scope of work and proposed sampling design. Alyeska agreed their staff would collect the samples and coordinate with Council staff on shipping the samples to contractors at the University of New Orleans. The Council has provided Alyeska a sampling protocol and collection bottles. The first complete sampling event occurred in January. A contract with the University of New Orleans to analyze the samples was recently finalized.

PORT OPERATIONS AND VESSEL TRAFFIC SYSTEMS COMMITTEE (POVTS)

Chair Steve Lewis thanked the POVTS Committee members and Council staff assigned to the committee and alluded to the vast amount of expertise within the POVTS members and support staff.

Lewis commented that the local shipping operations of tankers and tugs at the VMT had generally operated normally since the last Board meeting. The global news was the push by shipping companies worldwide to attain zero emissions, with a major emphasis in Europe and Asia. The goal has been brought forward by some shippers to attain zero emissions by 2040. While the US shippers have remained mostly quiet, Crowley Maritime has created a corporate subsidiary for sustainability and has set zero carbon goals for their company, and Foss Maritime is building electric tugs that will be put into service in the West Coast docking and escort industry. Lewis pointed out that the POVTS Committee (through his efforts as editor and those of staff member Nelli Vanderburg, publisher) and has created a POVTS "News" bulletin which the committee publishes approximately every six to eight weeks that is a summary of worldwide shipping news. Those interested in learning more may contact Nelli Vanderburg to be added to the circulation list.

He went on to outline the efforts of the POVTS Committee since the last Board meeting:

- Project 8012 (\$39,500): Line Throwing Device Trials: The Board accepted the final report titled PWSRCAC Emergency Towline Deployment Practical Trials at their September meeting. The POVTS Committee later asked the Executive Director to authorize a continuation of the project to produce an informational video of the trials using existing footage. This project extension was approved by the Executive Director in an amount not to exceed \$15,000. The video is currently being produced and the committee anticipated it would be available before the May Board meeting.

- Project 8013 (\$12,500): AIS/Radar Whitepaper: After POVTS and the Executive Committee accepted the AIS/Radar Whitepaper in August 2021, staff started working with the Legislative Affairs Committee (LAC) and the Council's legislative monitor to craft a cover letter to legislators explaining PWSRCAC's concerns with the condition of the radar system in Prince William Sound. That letter was recently completed and sent to legislators and the USCG in December 2021. The letter indicates the need for a replacement of the radar system, not just maintenance on an obsolete system. Senators Murkowski and Sullivan and Congressman Young have all advocated for the need for a strong radar system in Prince William Sound. It was unclear at the time of this Board meeting if or when there might be an allocation to achieve this.
- Project 8014: (\$30,000) USCG Basic/Advanced Emergency Ship Handling Training Course: This project by AVTEC to produce USCG-approved training courses in Emergency Ship handling is roughly 50% complete. The committee reviewed the initial work products and looks forward to the course completion by the May meeting.
- Two examples of international impact of PWSRCAC technical studies:
Project Title: Rescue Tugboat Best Available Technology Assessment
Project Number: 8010
Completed March 2021 by Glosten

The trade publication *International Tug and Salvage* published a feature article on the Council's Rescue Tug BAT project. The committee is pursuing the purchase of reprints of the article for use in PWSRCAC's outreach efforts.

Later in 2021, the Australian Maritime Safety Authority (AMSA) published a Request for Quotation (RFQ) seeking design and specifications for a new build rescue tug. Noteworthy is that this AMSA RFQ directly referenced PWSRCAC's tug BAT efforts in its background section in the statement of requirements and that Glosten was subsequently asked to prepare a proposal.

This reflects the POVTS Committee's success in promoting the Council's project goal of influencing the use of best practices and technology by the maritime industry.

In response to a question by Mako Haggerty about autonomous ships, Lewis gave a general overview of what information and knowledge he had to date on autonomous vessels and shipping. He pointed out that there is a lot of information that neither he nor the committee knows at this point in time, but it is something the committee will be monitoring for the future.

INITIAL OPENING COMMENTS – PWSRCAC BOARD SUBCOMMITTEE UPDATES

LEGISLATIVE AFFAIRS COMMITTEE (LAC)

Chair Dorothy Moore reported that the Legislative Affairs Committee (LAC) met four times since the September Board meeting and focused on the following committee activities:

Activities Since the Last Board Meeting:

- Transitioning of staff assigned to the committee.
- The committee welcomed Gene Therriault as the Council's new state legislative monitor.
- The committee reviewed and approved an AIS/radar informational package that was ultimately submitted to Alaska's congressional delegation.
- The committee reviewed and approved proposed amendments to the Oil Spill Liability Trust Fund (OSLTF) bill that were ultimately submitted to Sen. Sullivan.
- The committee received a briefing on draft regulations to implement the Vessel Incidental Discharge Act (a bill that LAC has worked on for several years).
- The committee received briefings from staff about ADEC's regulatory reform effort; something the committee contacted legislators about in prior years.
- The committee received briefings from staff about several developing state issues of concern that had the potential to become legislative priorities, and the committee spent time reviewing and discussing potential state legislative priorities for the upcoming session.

LAC Priorities Going Forward

- The next LAC meeting was scheduled for February 2.
- The committee would be moving to its twice monthly meeting schedule while the Legislature is in session.
- The committee will focus on refining its state legislative briefing sheets, objectives, and strategy during the next few meetings.
- As of this meeting, the top state legislative priority appeared to be the long-term sustainability of the state's Spill Prevention and Response Division (SPAR). The committee continued to be concerned about consequences if there is another major oil spill.

- The committee will focus on raising the refined fuel surcharge and passage of the “reverse sweep” to secure funds designated for the SPAR Division that were “swept” into the state’s Constitutional Budget Reserve.
- On the federal side, the committee would continue to work with Roy Jones, the Council’s federal legislative monitor, to assist as needed with securing funds for new and updated radar systems in Prince William Sound and the proposed amendments to the OSLTF bill.

BOARD GOVERNANCE COMMITTEE (BGC)

Chair Luke Hasenbank reported that the Board Governance Committee (BGC) met once since the September Board meeting. At that meeting, the committee completed its periodic review of the organization’s Bylaws. Hasenbank went on to report the following:

- The most significant Bylaw changes recommended by the committee had already been approved by the Board at recent meetings. Any remaining changes identified by the committee were relatively minor and would be brought to the Board at the May meeting.
- BGC was planning its next meeting for some time in February. At that meeting, the Committee will develop a work plan for the coming year. The plan will likely include a review of certain Board policies that need to be updated, a review of the roles and responsibilities of officers, and other topics authorized in the BGC charter.
- He encouraged Board members to provide input to the committee on governance issues they would like the committee to review and encouraged all Board members to attend committee meetings.
- On behalf of the committee, he welcomed the new Director of Administration, KJ Crawford, to the staff (replacing Walt Wrede) and looked forward to working with her on governance issues.

FINANCE COMMITTEE

Treasurer Wayne Donaldson reported that Ashlee Hamilton was recently promoted to the Council’s Financial Manager position and Gregory Dixon had moved to part time and was assisting with the transition of the financial manager’s work and duties.

Donaldson reported that the Finance Committee met twice since the September Board meeting and had focused on the following:

- At its November meeting, the committee reviewed the September 30, 2021 interim financial statements. The committee also reviewed the Agreed-Upon Procedures

report from BDO. Expenses for travel, lobbying and non-contractual revenue were minimal in FY2021; however, the committee decided to continue the review of expenses in FY2021 to highlight expenditures in areas previously audited by Alyeska. There were no exceptions noted in the report.

Gregory Dixon provided an overview of the ADP payroll system and insurance updates, and Donna Schantz provided an in-depth update on the status of staff vacancies and the transition process.

The committee also received an update on options for new accounting software as the current bookkeeping software was being phased out. The committee briefly discussed the process for research contributions in lieu of contracts and requested documentation of how research contributions are administered.

- During its January meeting, Ashlee Hamilton reviewed the December 31, 2021 (mid-year) financial statements with the committee and Gregory Dixon reviewed four options for replacing the accounting software. A budget modification was on the Consent Agenda under Item 3-2 at this Board meeting to facilitate purchase, training, design and implementation of a new accounting system, which was slated to be in place by July 1, 2022.

The committee received draft Research Contribution Guidelines that will be reviewed again at a subsequent meeting.

Donna Schantz updated the committee on the staff transition process.

In response to a question from OSPR Committee Chair Jim Herbert about whether the new accounting system will be able to access historical financial information of the organization, Gregory Dixon explained that PWSRCAC's historical financial information would be available for retrieval but not transferred to the new system because of the additional expense involved which may not be worth the time and effort. PWSRCAC will simply keep the old system and access to the data available for historical purposes and retrieval.

For the Good of the Order

President Archibald announced the Council had just learned that Board member Elijah Jackson was unable to attend this meeting because he had suffered an injury a few days prior while performing an official duty in his hometown of Ouzinkie. Archibald sent the Board's best wishes to Jackson for his speedy recovery.

Break: 10:04 a.m. – 10:14 a.m.

EXTERNAL OPENING COMMENTS – PWSRCAC EX OFFICIO MEMBERS

ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION (ADEC)

Allison Natcher, ADEC's Interagency Coordination Unit Manager with the Prevention and Technical Support Group, stated that she was available to answer questions during the meeting, but Commissioner Brune would update the Council on the SPAR budget and other ADEC topics the following day.

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

(No report.)

U.S. FOREST SERVICE

(No report.)

U.S. FISH & WILDLIFE SERVICE (USF&W)

(No report.)

OIL SPILL RECOVERY INSTITUTE (OSRI)

Dr. Scott Pegau updated the Board on a some ongoing OSRI projects that would be of interest to PWSRCAC.

- OSRI was working on a Cook Inlet oil spill trajectory project and specifically the operational circulation model that is now in place. OSRI will be running a 20-year hindcast. OSRI has already collected the physical oceanography data for the area and the goal is to find out how well NOAA's current operational model will predict the circulation in that area.
- Cook Inlet bird habitat module for the Environmental Sensitivity Index (ESI) maps. The ESIs are out of date and there is information missing. He said it was doubtful NOAA would get funding to update the ESIs anytime soon. He urged the Council to press legislative staff to prioritize funding to do this because accurate ESIs were important in oil spill response. OSRI is trying to update a single component at a time. The first one they will do will be the bird habitat in NOAA's Environmental Response Management Application (ERMA). Similarly, OSRI is looking at shoreline classification and shore zone data to replace the old ESI shoreline classification.
- Remote learning project. OSRI is building a Science of Oil Spill course that can be used at many different levels.
- A consortium project to build a remote operated vessel for oil spill response. The hope is to have it in Fairbanks to do testing and then bring to Valdez.

ALASKA DEPT. OF NATURAL RESOURCES (ADNR)

(No report.)

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

Torri Huelskoetter had no specific comments but was available to answer questions.

U.S. DEPT. OF THE INTERIOR (DOI)

Regional Environmental Officer Phillip Johnson announced that he would be retiring on February 25, 2022. He reported that the DOI had physically moved offices into the same building as the USF&W Regional Office on Tudor Road in Anchorage.

He reported that he is currently chair of the Alaska Regional Response Team's Cultural Resources Committee. That committee was reactivated and had met three times within the last year or so. He is also chair of the Wildlife Protection Committee. That committee updated the Wildlife Protection Guidelines for Alaska and those guidelines may be found online.

U.S. COAST GUARD (USCG)

CDR Patrick Drayer reported that the radars in Prince William Sound were operational the same as they were last fall. He had received a copy of PWSRCAC's letter sent to the Alaska congressional delegation about the radar situation. He had not had any inquiries as a result of that communication. He had nothing further to report specific to the Council's interest but would be available for questions throughout the meeting.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

(No report.)

BUREAU OF LAND MANAGEMENT (BLM)

Reid Olson from BLM's Fairbanks office reported that there had been no visits to the Valdez Marine Terminal by BLM personnel since BLM's last report at the Board's September meeting because of COVID-19 protocols.

Olson reported that BLM continues to monitor compliance of TAPS under the Alaska Native Hire Program. For 2022, and depending on pending pandemic safety protocols, BLM plans the following:

- To follow up on the inspections of Tank 7 (recently put back into service) at the VMT and Tank 94 (when it is returned to service).
- Complete an annual assessment and concurrence with the VMT C-plan.
- Track the VMT oil spill exercises completed.
- Attend the oil spill exercise planning meetings, the VMT coordination workgroup meetings, the Prince William Sound Area Committee meetings, the Alaska Regional Response Team meetings, the VMT major oil spill exercises and attend one or more oil spill equipment inspections at the VMT.

Jim Herbert asked whether Edison Chouest Offshore (ECO) was meeting its TAPS Alaska Native Hire requirements and what the specific percentage of ECO's workforce was Alaska Native. BLM's Eileen Oliver reported that ECO, along with three other Alyeska contractors, were not meeting their Alaska Native Hire goals as of the 4th quarter 2021. This was COVID-19 driven to some extent but also because the 4th quarter was historically not a busy time of year for those contractors, making the goal harder to meet. BLM met with Alyeska in November to discuss this issue. Alyeska has asked each of those contractors to submit a corrective action plan to meet their 20% goal and is monitoring those contractors, as is BLM.

ALASKA DIV. OF HOMELAND SECURITY & EMERGENCY MANAGEMENT (ADHSEM)

(No report.)

EXTERNAL OPENING COMMENTS – TAPS SHIPPERS, OWNER COMPANIES, AND PILOTS

CROWLEY ALASKA TANKERS

Angelina Fuschetto conveyed Paul Manzi's greetings and regrets for not being able to attend this meeting.

Fuschetto reported that Crowley Alaska Tankers (Crowley) continued to be busy. The *California* and the *Washington* continued to operate in the TAPS trade and the *Oregon* was operating in the Gulf of Mexico and the East Coast.

In 2021, Crowley moved over 24.1 million barrels of oil out of Prince William Sound with no incidents which she credited to their crews.

Fuschetto reported that Crowley was deep into planning the 2022 Prince William Sound Shippers exercise which was tentatively scheduled for the week of May 17-19. At the present time they were planning for a hybrid drill, with some key personnel in person in Valdez and some virtual. The plans were having to be flexible to accommodate various contingencies as needs may warrant.

Crowley was also pursuing its plan of trading into Cook Inlet. That plan had already been sent out for public review. They were also planning for their out-of-service and UWILD (under-water-in lieu-of-drydock) inspections on the *California* and the *Washington* in the summer. Those inspections would be done on the West Coast.

On wider company news, Fuschetto reported that construction had begun on Crowley's all-electric powered tug in Alabama, which should be available in 2023, and should have global capability with zero emissions and will operate in San Diego. It will be the first of its kind in North America. Crowley's subsidiary in Australia had just started work on a fuel storage facility that will be providing fuel storage and management services for US defense systems.

She announced that there would be a new branding for the company coming in 2022, with changes to the Crowley Alaska logo and colors.

CONOCOPHILLIIPS/POLAR TANKERS

Monty Morgan reported that in 2021 Polar Tankers transported 89 loads totaling (68.2 million barrels) from the VMT without incident. This included the two foreign flagged exports.

The Polar *Discovery* and the Polar *Enterprise* did their shipyards in Singapore. The *Discovery* was unable to have its ballast water treatment system (BWTS) installed because of COVID-19 issues in the shipyards, but the *Enterprise* was fitted. The USCG issued Polar Tankers a waiver for the *Discovery* until her next scheduled shipyard. Polar Tankers was hoping to have the *Enterprise's* BWTS commissioned by the week following this Board meeting.

At the present time, the Polar *Resolution* was in Singapore having its BWTS installed. When the Polar *Resolution* returns to Alaska, the Polar *Endeavour* will go to Singapore for its BWTS installation. The Polar *Adventure* will go to the shipyard in October, tentatively a shipyard in Portland, OR. Morgan noted that the *Adventure* was the first of Polar's fleet to have its BWTS installed, and it had been operating flawlessly since installation.

Polar Tankers completed its bridge training in Seward, consisting of two classes with approximately 15 junior officers and some senior officers.

Morgan reiterated his announcement at the September meeting that he would be retiring this year and announced that Andrea West of Cordova had been named as his replacement. She will be in Valdez in March and will shadow Morgan until he leaves in June and finally retires in September.

Morgan responded to Rick Steiner's concern for whales and whale strikes during the Public Comment period and stated that Polar Tankers always has a heightened awareness of whales in areas where it operates. He pointed out that Polar Tankers is part of the voluntary speed reduction compliance district in Southern California (slowing speed to 10 knots and keeping a vigilant watch for whales in California). He also noted that there is a whale restriction zone at the mouth of the Straits of Juan de Fuca which Polar Tankers always complies with. He assured the Council that if there were restriction zones in Prince William Sound, Polar Tankers would comply with them.

As to the Prince William Sound Tanker C-Plan renewal, Morgan stated Polar Tankers was hopeful ADEC would issue an approval by January 31, 2022 (the expiration of the existing plan). If not, Polar Tankers had a request for extension ready to be submitted, even though there was no provision in regulation to extend the c-plan.

ALASKA TANKER COMPANY (ATC)

Chris Merten gave an overview of Alaska Tanker Company's (ATC) activities. He reported that ATC completed 56 voyages and loaded 58.7 million barrels of cargo in 2021. It was a good year operationally, but COVID-19 was and still is a big concern. Merten expressed appreciation to the Valdez public health nurses for their efforts to keep crews safe from COVID-19.

Merten reported the *Legend* completed a shipyard in July, and ballast water treatment systems (BWTS) were installed and commissioned on all three ATC vessels.

Merten stated that ATC was willing to talk about whale strike reduction and prevention measures and pointed out that ATC also participates in NOAA's speed reduction zones in Southern California, like Polar Tankers. He welcomed the opportunity to discuss similar measures for the areas where ATC operates in Prince William Sound/Alaska.

The *Explorer* will have its shipyard in 2022. It was still in the planning stages but would likely be in a Far East shipyard sometime in June/July timeframe. This will be the first 2-1/2 to 3-year dry docking for an ATC ship. All the ATC ships in the TAPS trade have now reached 15 years of age where UWILD inspections are no longer allowed.

HARVEST ALASKA MIDSTREAM

Rob Kinnear reported that Hilcorp loaded 64 million barrels through the VMT on approximately 61 vessel loads, 56 of those were through ATC and another five through chartered foreign flagged ships. The last foreign flagged vessel used was the *Los Angeles Spirit* in June 2021. The shipyard on the *Explorer* will take it out of availability for some time, so Hilcorp expects to do one or two more foreign flagged charters in 2022.

As to the *Stena Suede* incident report (which was requested by several Board members at the last Board meeting), Kinnear reported that Northern Marine Management had prepared a summary report for release to PWSRCAC through Executive Director Schantz.

POVTS Chair Steve Lewis congratulated all the shippers for smooth operations in 2021 and particularly during some rough winter weather. He thanked Kinnear for following up on the *Stena Suede* incident report. He also thanked all the shippers for keeping the Council and the committees apprised of their plans for their aging vessels and how they will meet zero carbon emissions goals in the near future through industry and regulatory actions to come.

MARATHON

Craig Hyder said he would keep his opening comments brief because Marathon's Marine Vice President Mark Bayer would be giving an overview of operations later at this meeting.

Hyder reported 35 loads and 10.5 million barrels were transported from the VMT by Marathon in 2021. The big challenges to operations were mainly COVID-19, the same as

other shippers, but along the West Coast Marathon did not see much of an operational challenge last year because of the exceptional COVID-19 protocols that Marathon's Marine group and its vessel owners developed together.

Hyder reported that Marathon's Prince William Sound exercise was cancelled when the health department shutdown all travel into Valdez because of COVID-19 issues. At that point there was not enough time to pivot to a full virtual platform, so they developed an alternative drill strategy in conjunction with the USCG, ADEC and PWSRCAC so that Marathon could complete its drill credit for the year. Marathon committed to sponsor five alternative strategies that it would open up to other industry and agency participants:

- ICS 300 training. Two classes were scheduled with EMSI. At the request of PWSRCAC these classes will be based on a Prince William Sound scenario. Next class will be March 1, 2022.
- A Regional Stakeholder Committee (RSC) Workshop (virtual) with RSC members based on a scenario that they develop. The workshop will include the pre-meeting with the RSC and the Unified Command meeting with the RSC. It will be videotaped so that members can see what the process is, how all the interactions are accomplished and who is involved. Roy Robertson of PWSRCAC staff is helping with this. No date has been set yet.
- An oil spill wildlife permitting workshop for the Alaska regulatory criteria. They have had five meetings to date with personnel from Marathon, ADF&G, USF&W, NOAA, Hilcorp, Alyeska, and ADEC. The online portion of the workshop is scheduled for March 31, classes are open to all agency personnel and stakeholders, and it will be recorded and will have the ability to be shared. The second portion will be an actual wildlife carcass video training on carcass recovery that can be used throughout Alaska.
- TRG software for incident action plan. Training for agency and industry personnel on how to use the software, understand the processes within the software and how they relate to each other.

SOUTHWEST ALASKA PILOTS ASSOCIATION (SWAPA)

(No report.)

Break: 11:10 a.m. – 11:20 a.m.

ALYESKA/SERVS ACTIVITY REPORT

Alyeska's Emergency Preparedness and Response Director Andres Morales presented the Alyeska/SERVS activity report for 2021. He prefaced his remarks with comments about managing risk in all aspects of life from work environment to COVID-19 situations. He

acknowledged that Alyeska had not had its best year in 2021 from a safety standpoint (with a 0.57% recordable incident rate) and this had been discussed internally within his team and the company. They were looking at ways to manage risk better where they could.

VMT Operations:

- **Operations:** *(As of 12/31/2021)*

	<u>YTD 2021</u>
○ Tankers Loaded	223
○ Tankers Escorted	226
○ Barrels Loaded	167,054,966

	<u>Since start up</u>
○ Tankers Loaded	23,076
○ Tankers Escorted	14,402
○ Barrels Loaded	17,621,751,320

- **Safety:** *(As of 12/31/2021)*

○ Days away from work cases	1
○ TAPS Combined Recordable Rate %	0.57

- **Environment:** *(As of 12/31/2021)*

○ Spill Volume (Gallons)	412.66
○ Number of Spills	13

COVID-19 Response & Prevention:

- **Processes and procedures for personnel and facilities:**
 - Screening process.
 - Travel guidance.
 - Site specific isolation and evacuation plans.
 - Communication plan.

- **Urban workforce back to 100% capacity:**
 - All offices are open.
 - Vaccinations and boosters continue to be provided to the TAPS workforce:
 - 59.8% of TAPS workforce are vaccinated.
 - Company goal of 65% of TAPS workforce.

Fishing Vessel Availability by Port (end of 4th quarter 2021):

<u>Port</u>	<u>Tier 1</u>	<u>Tier 2</u>
Valdez	17	16
Cordova	24 + (7 Rapid Resp.)	101
Whittier	6	21
Seward		23
Homer		44
Kodiak		<u>34</u>
Totals	54	239

2022 Contingency Plan Activities:

- VMT Contingency Plan minor Amendment 2021-32021-3:
 - Application package submitted 12/8/2021.
 - ADEC Amendment Approval received 12/14/2021 (30-day clock begins for publishing extension (1/13/2022).
 - Alyeska request for publishing extension (1/5/2022).
 - Minor Amendment publishing to be complete by 1/20/2022.
- Article 4 changes.
- VMT C-Plan internal audit (Spring/Summer).

2022 VMT/PWS Training & Exercises:

- Quarterly exercises for Emergency Towing, Tethered Escorts, and Rapid Response Vessel Call-Out Drills.
- Polar Tanker Exercise 3/22 – 3/25.
- 7 Port of Valdez GRS deployments and Harbor Basins (completed Condition of Approval 3A)
- Valdez Duck Flats & Solomon Gulch Hatchery Deployments (2 each).
- 16 Current Buster 8/Crucial Skimmer Task Force Training Exercises.
- 8 Tug Open Water U & J Booming Training Exercises.
- VMT Tabletop /Drainage 51 Equipment Deployment (complete Condition of Approval 3C).

2021 VMT/PWS Training & Exercises:

- **2022 Upcoming Activities:**
 - 2022 Spring Fishing Vessel Training:

<u>Port</u>	<u>On Water Days</u>
Kodiak	3/11 – 4/03
Homer	4/06 – 4/8, 4/10
Seward	4/13 – 4/14

Whittier	4/18 – 4/20
Cordova	4/23/ - 4/29
Valdez	5/02 – 5/05

- VMT Equipment Deployment #1, Winter Tactics 3/23/2022.
- Crowley PWS Tanker Exercise with GRS Deployment 5/17 – 5/19/2022.
- VMT Tabletop with Equipment Deployment #2 10/12/2022.

2022 Valdez Projects

- Replace sulfuric acid tank with HDPE tank.
- Tank 93- Internal API 653 Inspection.
- Tank 94- Internal API 653 Inspection.
- West BTT- Repair and Coat.
- OSRB 5 (Mineral Creek)- Construction.

Amanda Bauer thanked Morales for allowing PWSRCAC's Austin Love and contractor Taku Engineering access to do an inspection of Tank 7. She asked what timeline PWSRCAC might expect for a response from Alyeska to the written recommendations PWSRCAC made as a result of that inspection. Morales stated that Alyeska's System Integrity and Engineering team was still reviewing the information and have been interacting with PWSRCAC staff regularly. He did not have details but was hopeful PWSRCAC would receive a response sometime this winter but did not yet have a timeline. He commended the Systems Integrity and Engineering Team for making access possible to PWSRCAC's staff and contractor.

Robert Beedle asked whether Alyeska was able to complete its 2021 projects. Morales stated that most of the projects were completed but some were moved back because of COVID impacts, availability of personnel, as well as supply line impacts on the availability of parts, etc. Morales said he was expecting more impacts in 2022, particularly because of transportation of materials and parts, etc.

Jim Herbert asked whether Alyeska was hiring or if its workforce was stable compared to the national turnover of employees and lack of qualified applicants. Morales stated that Alyeska's turnover was mostly the result of retirements, and he was not having problems either posting positions or getting qualified applicants. Delays in hiring were mostly due to COVID impacts that made the hiring process a little more difficult.

Dorothy Moore asked about snow loads in Valdez and their impacts. Morales said he did not anticipate any impacts from the snow or Alyeska's ability to clear it.

Bauer thanked Morales for Alyeska's help on the oxygenated hydrocarbon project and specifically the efforts Morales put in to get the project moving forward. She also asked if

Alyeska was considering outsourcing various parts of its business, such as SERVS to MSRC. Morales stated that in his personal experience these ideas are floated every few years and the company will look at whether there are areas of the business that Alyeska could do more efficiently, externally. He confirmed Alyeska was looking into this companywide at the present time. While he was not unduly concerned or anticipate any large changes, in the process of exploring ideas in the past they have been surprised with how some things can be done differently. A recent example would be dispersant application that has been moved to a more nationwide profile.

Archibald thanked Morales for his help with the oxygenated hydrocarbon project. Morales also gave kudos to PWSRCAC staff and said it was a good meeting-in-the-middle issue. Alyeska was pleased to find a way forward and there was a lot of people doing good work on both sides.

In response to a question from Archibald about the status of management of the Admin Sump spill operations and oversight recommendations, Morales stated that changes had been made in the automatic monitoring and preventative maintenance terminal-wide -- and in some cases company-wide. He stated that currently Alyeska was mostly in a monitoring response mode to make sure there is not additional outflow because some sheening has been observed after high water events, melt-off or rain events. That monitoring would probably go on for some time. Procedures have all been updated and work orders were in place to implement those changes, but he did not have, on hand at that time, the status of the actual implementation of all those changes.

Archibald also asked about Alyeska's response to PWSRCAC's recommendations on the cathodic protection system and the secondary containment liner. Morales confirmed that his team had looked at those recommendations and simply needed to put together the feedback. He did not have any other details at that time.

Archibald asked whether PWSRCAC's recommendations on Tank 7 were addressed before the tank was returned to service. Morales did not have that information at that time. PWSRCAC's Austin Love stated that PWSRCAC would be meeting on February 14 with Alyeska's Integrity Management Group and they will respond on the Tank 7 recommendations at that time.

Lunch Recess: 11:55 a.m. - 1:00 p.m.

CONSENT AGENDA

3-1, 3-2

The consent agenda consisted of two items: 3-1 and 3-2. Briefing sheets were included in the meeting notebook for each item.

Amanda Bauer moved to approve the consent agenda as presented. Wayne Donaldson seconded.

The consent agenda was approved as follows:

- **3-1 RESOLUTION DESIGNATING PWSRCAC CHECK SIGNERS**
Adoption of resolutions provided by First National Bank Alaska to update the list of authorized individuals to sign checks and conduct financial transactions on PWSRCAC's account.
- **3-2 BUDGET MODIFICATION AND DELEGATION OF AUTHORITY FOR NEW ACCOUNTING SYSTEM**
Approval of FY2022 budget modification in the amount of \$60,000 to hire an outside consultant to assist with the design, implementation, and training of a new accounting system; and delegation of authority to the Executive Committee to enter into a contract with the selected contractor to develop and implement the Council's new accounting system, at an amount not to exceed \$60,000.00.

4-1 REPORT ACCEPTANCE: IMPACTS FROM THE APRIL 2020 VMT SPILL

This agenda item was introduced by Project Manager Austin Love and sought Board acceptance of a report titled "Mussel Oiling and Genetic Response to the April 2020 Valdez Marine Terminal Spill: Executive Summary" by Dr. Lizabeth Bowen, William B. Driskell, James R. Payne, Austin Love, Eric Litman, and Brenda Bailachey. The report summarized work the Council conducted to monitor the environmental impacts of the April 12, 2020 oil spill from the Valdez Marine Terminal (VMT).

Dr. Lizabeth Bowen of the project team presented an overview of the key results of that monitoring and the recommendations for further related work. A copy of the report was included with a briefing sheet under Item 4-1 in the meeting notebook.

Austin Love thanked Diana Bouchard from Alyeska, who helped Love with sampling, SAC members, Alyeska, and the scientific team of Dr. Liz Bowen, William Driskell, Jim Payne, Eric Litman, and Brenda Bailachey who went above and beyond on the work they did on this project.

Amanda Bauer moved to accept the report titled "Mussel Oiling and Genetic Response to the April 2020 Valdez Marine Terminal Spill: Executive Summary" by Dr. Lizabeth Bowen, William B. Driskell, James R. Payne, Austin Love, Eric Litman, and Brenda Ballachey, dated August 20, 2021, as meeting the terms and conditions of Contract #951.21.05 and research contribution #951.21.07, and for distribution to the public. Dorothy Moore seconded and the motion passed without objection.

4-2 COMMENTS ON PROPOSED CHANGES TO ADEC PREVENTION REQUIREMENTS

This agenda item, introduced by Project Manager Linda Swiss, sought Board approval of the Council's comments to ADEC's regulatory review of Article 4 of 18 AAC 75 and the department's proposed changes to those regulations. The proposed changes were the result of ADEC's public scoping process conducted in 2019-2021. The 90-day public comment period on the draft regulation proposal began November 1, 2021. The comment period would end on January 31, 2022.

Sierra Fletcher of Nuka Research and Planning Group presented an overview of PWSRCAC's comments. A briefing sheet and a copy of PWSRCAC's draft comments were included in the meeting notebook under Item 4-2.

Project Manager Linda Swiss gave kudos to PWSRCAC's Director of Communications Brooke Taylor for composing and presenting the Council's comments in a simple and understandable way that could be shared with PWSRCAC's members and others in the region. She also commended Taylor and PWSRCAC's Outreach Coordinator Betsi Oliver for the extraordinary outreach they made to the Council's member communities and others. Swiss also thanked Sierra Fletcher of Nuka Research and Planning Group and attorney Breck Tostevin who also contributed to this review work, as well as all PWSRCAC staff members (Jeremy Robida, Roy Robertson, Joe Lally and Donna Schantz) who worked on the project.

Brooke Taylor praised all who worked on the outreach messages to the Council's member entities, and the coordination and joint efforts of Cook Inlet Regional Citizens Advisory Council.

Executive Director Schantz raised the question of whether there was a requirement for ADEC to state its rationale or justification for looking at changes to regulations. ADEC's Graham Wood stated that, to his knowledge, there is not a requirement for the department to provide justification or findings but it does have to respond to comments.

Amanda Bauer **moved to approve** of PWSRCAC's "Comments on Proposed Changes to Oil Prevention Requirements in the Regulations of the Alaska Department of Environmental Conservation" to be submitted to the Alaska Department of Environmental Conservation by the date due of January 31, 2022. Michael Vigil **seconded** and the **motion passed** without objection.

Break: 2:14 p.m. – 2:24 pm.

4-3 REPORT ACCEPTANCE: EPA NESHAP-OLD AIR QUALITY RULE

This agenda item sought acceptance of a report by John Beath Environmental (JBE) titled "2020 Updates to 40 CFR 63, Subpart EEEE – National Emissions Standards for Hazardous Air Pollutants for Organic Liquids Distribution (Non-Gasoline): A Review of the Appeal by

Alyeska Pipeline Service Company". This agenda item also sought Board approval for Council staff to send a letter to the EPA supporting Alyeska's appeal of the 2020 NESHAP-OLD Air Quality Rule. A briefing sheet and a copy of the report were included in the meeting notebook under Item 4-3.

The overall purpose of the project and the report was to inform the Council as to whether it should support Alyeska in its appeal of the 2020 NESHAP-OLD Rule and to submit the Council's determination to the EPA or the United States Court of Appeals in its decision regarding Alyeska's appeal.

Project Manager Austin Love introduced the report and thanked those who worked on the project, including the TOEM Committee, PWSRCAC staff, as well as John Beath of the JBE team.

John Beath and JBE's Project Manager Sarah Backes presented an overview of the project and the team's findings. JBE's results support Alyeska's arguments that the new EPA rule will not reduce emissions. Additionally, implementing the rule at this time could lead to an increase in hazardous air pollutants (HAPs) emissions.

POVTS Chair Steve Lewis pointed out that the increase in cooperation by Alyeska for the project and sampling, etc., was a big step forward in Alyeska's willingness to allow access to the VMT for these purposes. Historically, when PWSRCAC had to do sampling for vapor recovery at the Ballast Water Treatment Facility (BWTF) in the 1990s, PWSRCAC was flatly denied sampling access at the VMT and told that such access would never be allowed. He thanked Alyeska for its change in stance and its willingness to participate in this research.

Austin Love added that JBE would help with the letter to the EPA if the Council chose to go in that direction and that PWSRCAC may have another opportunity to comment later if and when the EPA issues the revised rule.

Amanda Bauer **moved to accept** the report "2020 Updates to 40 CFR 63, Subpart EEEE – National Emissions Standards for Hazardous Air Pollutants for Organic Liquids Distribution (Non-Gasoline): A Review of the Appeal by Alyeska Pipeline Service Company" by John Beath Environmental as meeting the terms and conditions of Contract 5057.21.01 and for distribution to the public. Ben Cutrell **seconded** and the **motion passed** without objection.

Amanda Bauer **moved to authorize** Council staff to prepare and send a letter to the EPA supporting Alyeska's appeal of the 2020 NESHAP-OLD Air Quality Rule. Ben Cutrell **seconded** and the **motion passed** without objection.

4-4 REPORT ACCEPTANCE: 2021 DRILL MONITORING ANNUAL REPORT

Project Manager for Drill Monitoring Roy Robertson provided a briefing on the 2021 Drill Monitoring Annual Report which summarized the drills and exercises attended by

PWSRCAC staff in 2021. Staff requested Board acceptance of this annual report. Robertson pointed out that COVID-19 protocols prevented PWSRCAC staff from observing as many drills and exercises as in the past, but they had managed to observe six drills. A briefing sheet and a copy of the report were included in the meeting notebook under Item 4-4.

Amanda Bauer **moved to accept** the 2021 Annual Drill Monitoring Report. Michael Vigil **seconded** and the **motion passed** without objection.

4-5 REPORT ACCEPTANCE: FORAGE FISH SURVEY

This agenda item sought Board acceptance of a final report titled “2021 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 2021 to identify locations where forage fish congregate and may be impacted by a spill. A briefing sheet and a copy of Dr. Pegau’s report were included in the meeting notebook under Item 4-5. Project Manager Danielle Verna introduced the agenda item and Dr. Scott Pegau presented an overview of the report and his findings.

Amanda Bauer **moved to accept** the report titled “2021 Prince William Sound Forage Fish Observations” by Dr. Scott Pegau of the Prince William Sound Science Center, dated September 21, 2021, as meeting the terms and conditions of Council Contract 9511.21.01 and for distribution to the public. Mako Haggerty **seconded** and the **motion passed** without objection.

EXECUTIVE SESSION

A break was scheduled on the agenda at this juncture, followed by an executive session and a recess of the open session until the following day. For purposes of logistics and economies of time, the Board took the following action:

Amanda Bauer **moved to go into executive session** after the scheduled break to discuss:

- An update on the Council’s Request for Adjudicatory Hearing on ADEC’s Decision on the Secondary Containment Liner Testing Requirements for the VMT; and
- The annual review of the Executive Director’s job description and performance goals.

At the conclusion of the executive session, this meeting will be in recess until 9 a.m. the following day. In addition to all Board members, the following were invited to join the Board in executive session: all committee chairs, legal counsel Joe Levesque, contractor Breck Tostevin, and staff members Donna Schantz, Joe Lally, Linda Swiss, Austin Love, Alan Sorum, Brooke Taylor, KJ Crawford, Ashlee Hamilton, Gregory Dixon, Jennifer Fleming, Roy Robertson, and Jeremy Robida. Michael Vigil **seconded**. The **motion passed** by unanimous consent.

Recess: The open meeting recessed for the day at 3:46 p.m. to reconvene at 9:00 a.m. the following day.

Friday, January 28, 2022

CALL BACK TO ORDER

President Archibald called the meeting back to order at 9:00 a.m. on January 28, 2022. A roll call was taken. There were 11 Directors present at the time of the call back to order: Archibald, Bauer, Beedle, Cutrell, Haggerty, Hasenbank, Malchoff, Moore, Skinner, Vigil, and Zinck. Bob Shavelson joined the meeting later at 10:18 a.m., followed by Wayne Donaldson at 10:20 a.m.

REPORT ON EXECUTIVE SESSION

President Archibald reported that no action was taken during the executive session. The Board discussed PWSRCAC's Request for Adjudicatory Hearing in response to ADEC's decision on evaluation and testing of the secondary containment systems at the VMT and legal counsel Joe Levesque discussed the adjudicatory process and procedures. The Board also discussed the following recommended actions:

Mako Haggerty **moved** to express support for the January 18, 2022 Executive Committee decision to authorize the Executive Director to file a request for an adjudicatory hearing on the VMT C-Plan in response to ADEC's decision related to the secondary containment liner at the VMT and the authorization of \$50,000 for this effort, recognizing that additional funds may need to be allocated in future budgets. Robert Beedle **seconded** and a **roll call vote was taken:**

Robert Archibald	Yes.
Amanda Bauer	Yes.
Robert Beedle	Yes.
Ben Cutrell	Yes.
Mako Haggerty	Yes.
Luke Hasenbank	Yes.
Melvin Malchoff	Yes.
Dorothy Moore	Yes.
Rebecca Skinner	Yes.
Michael Vigil	Yes.
Kirk Zinck	Yes.

The **motion passed** unanimously (11 in favor; 0 opposed).

Mako Haggerty **moved** to delegate authority to Executive Director Donna Schantz, President Robert Archibald, and Vice President Amanda Bauer to act on behalf of the full Board during discussions related to the Council's adjudicatory hearing request, with the

understanding that any substantive decisions will be brought to the Board for approval. Michael Vigil **seconded** and **a roll call vote was taken:**

Robert Archibald	Yes.
Amanda Bauer	Yes.
Robert Beedle	Yes.
Ben Cutrell	Yes.
Mako Haggerty	Yes.
Luke Hasenbank	Yes.
Melvin Malchoff	Yes.
Dorothy Moore	Yes.
Rebecca Skinner	Yes.
Michael Vigil	Yes.
Kirk Zinck	Yes.

The **motion passed** unanimously (11 in favor; 0 opposed).

UPDATE ON OPERATIONS OF MARATHON PETROLEUM

Capt. Mark Bayer, Marine Operations Director for Marathon Petroleum introduced himself and made a presentation to the Board on Marathon's operations and its TAPS fleet operating in Cook Inlet and Prince William Sound.

UPDATE ON THE SPAR DIVISION BUDGET AND OTHER ADEC TOPICS

Commissioner Jason Brune updated the Board on the status of the SPAR Division's budget and other ADEC topics. He prefaced his remarks by stating that ADEC had received 16 comments in response to the department's proposed changes to c-plan regulations, but he was precluded from commenting on the proposed changes or the comments received until after the public comment period closed on January 31. Likewise, he was also precluded from commenting on the appeals received from Alyeska and PWSRCAC on ADEC's decision on the secondary containment liner testing requirements at the VMT because those appeals were pending.

Commissioner Brune went on to speak about the SPAR Division's budget. He reported that there were no cuts made in this year's budget, including cuts to personnel. He reiterated his plan to increase funding for SPAR that he outlined to the Council at previous meetings, i.e., to increase future oil production to increase the amounts going into the SPAR's prevention account (\$0.04 per barrel) and the response account (\$0.01 per barrel). He stated that the production projections indicate that new fields will come online in the future and therefore more production would mean more money for SPAR. Meanwhile, in the absence of that immediate increase in oil production, he has supported an increase in the refined fuel surcharge from .95 cents to 1.5 cents which would provide stability to SPAR

for more than a decade at the current funding levels. He reiterated that there would be no cuts to personnel this year.

He explained the "sweep" of \$8 million from SPAR's prevention account which was replaced with \$1.3 million in general funds. He reiterated a commitment he made to SPAR Director Tiffany Larson when she took over the division that if she felt SPAR needed more positions he would advocate for that additional funding. At present, the Commissioner stated Larson was comfortable with the level of funding that SPAR has currently.

The Commissioner spoke of ADEC's handling of contaminated sites that are the responsibility of the federal government of which there were a significant number both on state lands and Alaska Native Claims Settlement Act (ANCSA) lands. He recognized that contaminated site issues were not necessarily germane to PWSRCAC's purview, but the existence of those sites and how to deal with them was germane to SPAR's budget and therefore of interest to PWSRCAC. The contamination occurred when the federal government was the owner of the lands and, despite attempts to get cleanup action from the responsible federal parties during the Obama, Trump and now Biden administrations, the State of Alaska has heard nothing. Letters have been sent from Governor Dunleavy as well as from himself on behalf of ADEC to the responsible federal parties requesting them to outline the extent of the contamination, develop a plan to cleanup of those sites and ultimately clean them up. To date, ADEC had received no response from those federal parties. So, on December 17, 2021, ADEC filed approximately 500 notices of intent to sue to the Department of the Interior (DOI) for lack of action on those lands and for failing to do what is required of them by law on the 504 contaminated sites on ANCSA lands. The DOI has responded that they are not responsible for any of those sites. Brune noted that the DOI has 60 days from the filing date of December 17 to come up with a plan or to cure. It was his hope that DOI would meet that deadline. In the absence of that, he stated that ADEC is prepared to force the federal government to clean up these sites and had hired experienced outside counsel to do so.

He reported he had received a letter from Rick Steiner regarding the oil spill that occurred in Peru following the massive underwater volcanic eruption off the coast of Tonga. Steiner advocated disconnecting tankers at berth at the VMT during a tsunami warning. Commissioner Brune agreed with Steiner and stated that if Alaska did not heed the lessons learned around the world from procedures for oil production/tanker loading during tsunamis, then it was in danger of repeating them. Steiner had encouraged the Commissioner to discuss with Alyeska and Marathon Oil the procedures that are in place when there are tsunami warnings and to ensure the procedures are followed. He confirmed he had touched base with Alyeska and Marathon Oil and he let them know that when there are tsunami warnings, they are required to shut down loading, drain their loading arms and prepare to disconnect the loading tanker from the berth, as well as other procedures for personnel to follow such as rally points, notifications, etc. Brune thanked

Steiner for that suggestion and said he made sure those operating in Alaska's waters know what the tsunami procedures are.

Mako Haggerty raised concern about PFAS issues which are another drain on ADEC/SPAR's budget, noting that the budget is going down while the burden is going up. Commissioner Brune acknowledged that PFAS issues had taken a lot of his time since coming into ADEC. He pointed out that the responsibility for cleanup goes to the responsible party and when it came to budgets for PFAS cleanup much is paid for by the Department of Transportation (DOT). The Federal Aviation Administration (FAA) requires Aqueous Film Forming Foam (AFFF) to be on hand at every airport because it is effective in saving lives and property in the event of an aviation disaster. AFFF contains PFAS and creates contaminated sites because it is required to be tested on an annual basis. Brune pointed out that he and former ADOT Commissioner MacKinnon had decided not to test every year for that reason and because so many Alaska communities have grown up around airports and their drinking water is at risk of contamination. ADEC has identified potential contaminated airport sites, tested those sites and the results are on ADEC's website. He pointed out that PFAS is ubiquitous throughout the environment at landfills and other areas, not only at airports. He said they were closely monitoring the EPA's action plan on PFAS and are committed to following it. He pointed out some states have several toxicologists on staff to draw on; Alaska has one.

Amanda Bauer thanked the Commissioner for coming to the Council's Board meetings more than any other ADEC commissioner in the past. She asked the Commissioner to explain how he considered the funds coming to SPAR from the general fund to be better for SPAR's budget than those from a dedicated fund. He stated that he preferred having \$1.3 million coming from general funds than having to make \$1.3 million worth in cuts. He pointed out that SPAR does so much more than hydrocarbon-related work, such as sulfolene, PFAS, asbestos, and other contaminated sites work that, in his opinion, it should be funded from general funds. It should diversify the funding stream for SPAR and not just rely on the dedicated funds coming from the refined fuels surcharge and the 5 cents/barrel from the prevention and response fund. He pointed out that ADEC has increased dedicated funding through the refined fuel surcharge and there is some sustainability there, but in the absence of the Legislature taking that action on the adjustment, having the general fund monies was better than having to make \$1.3 million worth of cuts or continuing the trend knowing that the budget was reliant only on that funding stream and having to make more cuts in future years.

Bauer countered that it was difficult to understand about taking the dedicated funds for other things and putting them into the general budget and then giving SPAR general funds anyway. She also said she was not sure the oil producers knew that when they were giving a 5 cents/ barrel to a dedicated oil spill prevention/response fund that it would be taken by the state and used for whatever the state wanted. In her opinion, she said it should be returned to SPAR and dedicated for the purpose of oil spill prevention and response. She

expressed concern that there was not enough urgency to finding other ways besides the general fund to get additional revenue to SPAR. Brune responded that he had met with every member of the House and Senate subcommittees for Finance when he was in Juneau that week; he had told his own agency finance committee that he supported the increase in the refined fuel surcharge, and he met with Rep. Josephson and told him the same. With respect to industry having paid the 5 cents/barrel thinking it would go to SPAR for oil spill prevention/response, he said he did not disagree with Bauer, but he could not control what was swept or not swept into the general fund. The fact was it was swept into the general fund and now SPAR is replacing the deficit that it would have had with general fund dollars and he does not have to make seven or eight more personnel cuts this year. He said he understood Bauer's concern, but SPAR was at a consistent level of funding for this year and he viewed that as a positive position to be in. Bauer stated she hoped there was an urgency to address SPAR funding and that it is not passed on to the next commissioner.

Jim Herbert expressed concern about staffing levels, the loss of experienced personnel and loss of institutional knowledge. Herbert urged the department to fill positions with personnel based in Valdez. Commissioner Brune stated that his emphasis had been on retention of personnel since coming into ADEC. There was 25% turnover in personnel when he came into the office which he found unacceptable and made a point to improve that. He stated that everyone at ADEC deserved an annual evaluation and development training within the agency. He stated that all ADEC directors are required to have funds in their budgets for training. This past year the retention rate had increased to 80+% and the turnover was down to 17%. As to the Valdez positions, he said he recognized that the proximity to TAPS and its operations was very important. He asked SPAR Director Larson to address the Valdez staffing issues.

Larson stated that within SPAR the discussion on staff retention had been that it was important to have enough staff in a region to respond in real time to a release of oil balanced with the importance of having filled positions. The feedback from staff indicated that the department's move to statewide recruitment allowed them to have a career path at ADEC versus simply a position. They now have more opportunity at ADEC and they have options. The department has assessed the minimum personnel it needs to have in a specific region to handle response capabilities, which Larson described as "critical mass" staffing. Any staff above that number would be recruited statewide for the reasons previously stated.

Herbert asked how the Governor's plan to have ADEC take over wetlands management would impact ADEC's other activities and where the funds would come from to do that. Commissioner Brune stated that ADEC has committed that it would not impact ADEC's other activities. The process for state takeover of primacy of wetlands management was started and then stopped in 2013/2014 when oil prices fell. The department is now re-engaging with that process. The Legislature has already given statutory approval. ADEC will start with 28 positions this year and increase to 32. They will be working with the EPA,

which encourages the state to take over primacy of the program as it has with other federal programs such as the air and water quality. He did not see that it would impact other ADEC operations adversely; rather it will grow the department up to 503 positions.

Executive Director Schantz reminded the Council and the Commissioner that there was a \$9.4 million appropriation from the SPAR response fund in 2019 to deal with PFAS testing and remediation. Those funds have not and are not being recouped from the responsible parties at this time and PWSRCAC is concerned that there will be future drains on the SPAR response fund to deal with PFAS. She also pointed out that PWSRCAC had been working hard on SPAR's behalf to get the Legislature to pass the increase in the refined fuel surcharge. While acknowledging Commissioner Brune's stated support for the refined fuel surcharge increase and his meeting with individual members of the House Finance Committee, Schantz asked the Commissioner to instill a sense of urgency within the Finance Committee, if he was not already doing so, to get the increase passed because it would take at least a year after passage before SPAR would see any of that increase going into its response fund account.

Commissioner Brune stated he had made it clear to legislators that ADEC supported the refined fuel surcharge increase. He reminded the Board that SPAR had a \$1.3 million deficit for this current year that would be met with general fund dollars. Next year, if production did not increase and as CPI rises and other increases occur, that amount likely would go up. He said he absolutely realizes the urgency of the need to pass the legislation to bring sustainability to SPAR and he had made that clear when he met with Rep. Josephson and the Finance Committee.

As to Schantz's concern about the use of the response fund for PFAS, Commissioner Brune noted that both the \$5 million that was appropriated from the response fund for the Wrangell dump contamination and the more recent \$9.4 million for PFAS were both appropriated by a previous administration before he took office. Neither of those sites had an identifiable responsible party against who SPAR could recover costs. He also noted that of the \$9.4 million appropriation, SPAR had spent less than \$1.5-2 million to date, recognizing that is not recoverable. He pointed out that SPAR has a statutory responsibility to recover from responsible parties if it works on those issues so he has made it a priority to limit the amount of money spent and what it is being used on. He noted, however, that the Legislature can appropriate what it wants and how it is spent, but he is being careful using those funds while he is still head of the agency. He said he saw it eventually lapsing back to the response fund when the five years is up. SPAR Director Larson added that SPAR controls what is spent by going through all the invoices and only authorizing and approving that which was approved in the scope of that appropriation and its intent.

PWSRCAC's state legislative monitor Gene Therriault pointed out that the fiscal note to HB104, which included the refined fuels surcharge adjustment, did not include language indicating that ADEC was supportive of the change. Commissioner Brune stated that had

had discussions with the Governor's legislative office over the past two years and he was told that there is support for the adjustment. He clarified, however, that he was not saying that there is support for the entire motor fuels tax because he did not have that discussion with them, but currently the refined fuel surcharge adjustment is a component of HB104. He stated that he had let Rep. Josephson know that if there was a standalone bill with the adjustment in it, he was on the record as supporting that increase and he would fight to get it signed, although ultimately it is the Governor's choice whether to sign a bill or not, but he committed to advocating for its signing if the increase from .95 cents to 1.05 cents occurred in a standalone bill.

Therriault went on to ask whether there was an expectation from the federal government that a certain level of effort would be maintained by the state to run programs where there is an infusion of some federal funding. Commissioner Brune pointed out that there are no primacy programs within SPAR. The funding that SPAR gets from the federal government is for brownfields, contaminated sites, and other things, but there is not the same level of accountability that one would see in an air or water primacy program. SPAR Director Larson stated that SPAR's federal dollars are mainly through MOUs (memorandums of understanding) and efforts that SPAR is going to make on behalf of the Department of Defense that are high priority for the year. Brownfields is the only program that has a threshold of staff effort, which is set at a maximum of 50% of staff time.

President Archibald pointed out that a \$1.3 million infusion of general funds to SPAR does not make up for the \$8 million reverse sweep and it is disheartening to PWSRCAC. He pointed out that SPAR is gathering more responsibilities with less money, and PWSRCAC sees SPAR's balance sheet going into the red in the not-too-distant future. He emphasized that PWSRCAC has been and will continue to be a staunch advocate for SPAR's budget in any way it can because the Council recognizes the importance of maintaining employees who have that institutional knowledge or what a prevention and response plan is. He emphasized that SPAR must maintain that expertise and that it was incumbent upon Brune as Commissioner, the Governor, and the public to maintain that expertise within the division, but without funding SPAR was not going to be able to do its job.

On the tsunami issue and the risks of oil production/loading tankers during a warning, Archibald said he hoped all the agencies were talking to each other because the problem that arose in Peru was people were talking but the information was not getting to the right people.

Commissioner Brune wrapped up his remarks by assuring the Board that the tsunami warning issues were important to him and his team and that he personally called Marathon and Alyeska on those issues. As to the sweep, he pointed out that he had no control over that; the Legislature made that choice. He also added that if SPAR is not doing something that PWSRCAC thinks is important, then SPAR needs to hear that. He reminded the organization that January 31 was the deadline for comments on the regulatory reform

proposal and he hoped that the final regulation changes would be issued by the fall of 2022.

(Bob Shavelson and Wayne Donaldson joined the meeting during the previous discussion at 10:18 a.m. and 10:20 am, respectively - 13 Directors present.)

Break: 10:40 a.m. – 10:50 a.m.

4-6 UPDATE ON THE PRINCE WILLIAM SOUND TANKER C-PLAN RENEWAL

Project Manager Linda Swiss updated the Board on the status of the renewal of Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan (Tanker C-Plan). The Tanker C-Plan was approved on February 1, 2017 and was set to expire on January 31, 2022. A detailed briefing sheet with the history of the development of the Tanker C-Plan, the present issues, and PWSRCAC's review goals was included in meeting notebook under Item 4-6.

OSPR Committee's Jim Herbert pointed out the significant role that PWSRCAC plays in giving feedback to ADEC and Alyeska on c-plans and it was important work.

President Archibald gave kudos to Swiss and the project team for their work on this project.

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

4-7 APPROVAL OF LTEMP RESEARCH CONTRIBUTION

This agenda item sought Board approval to provide the U.S. Geological Survey (USGS) with a research contribution of \$75,555 to genetically analyze blue mussel samples obtained from Port Valdez to monitor the environmental impacts of the April 12, 2020 oil spill at the VMT.

As explained by Project Manager Austin Love the transcriptomics study that was conducted in 2019 and 2020, was originally a pilot study, but then the April 12, 2020 oil spill occurred at the VMT which provided a unique opportunity to further test the utility of transcriptomics to monitor the environmental impacts of the VMT and tankers. The original pilot study was completed and culminated in a report to the Board titled "Using Mussel Transcriptomics for Environmental Monitoring in Port Valdez, Alaska: 2019 and 2020 Pilot Study Results." That report was accepted by the Board at its May 2021 meeting. This agenda item sought funding for additional spill-related work which was designed to try and identify a set of genes in blue mussels that specifically respond to exposures to Alaska North Slope crude oil – as opposed to genes known to respond to generic oil exposure.

By making this contribution versus entering into a contract, the Council would avoid paying overhead costs of 51.25%.

A briefing sheet and the follow-on transcriptomic analysis proposal from the same research team as the pilot study was included in the meeting notebook under Item 4-7.

Amanda Bauer **moved** that PWSRCAC provide the USGS with a research contribution of \$75,555 to genetically analyze blue mussel samples obtained to monitor the environmental impacts of the April 12, 2020 oil spill at the VMT. Mako Haggerty **seconded** and the **motion passed** without objection.

4-8 LTEMP FY2022 CONTRACT APPROVAL

This agenda item requested Board approval of contracts for work to interpret and report on the oil chemistry and laboratory results of the 2021 Long Term Environmental Monitoring Program (LTEMP) samples. The scope of work for this year was put through the Council's competitive request for proposal (RFP) process as a best practice to solicit competitive bids. (The RFP process occurs approximately every five years.) As outlined in the briefing sheet under Item 4-8 in the meeting notebook, Payne Environmental Consultants had been the consultant performing the work through the RFP process since 2002. The last time the scope of work was put out for competitive bid was in 2015.

As earlier reported by SAC Chair David Holen, the committee met on January 14, 2022, and identified two contractors, Owl Ridge Natural Resources Consultants and Payne Environmental Consultants, to do the work under the RFP, and the committee recommended the Board approve a contract with Owl Ridge Natural Resource Consultants, Inc., to complete the scope of work in Contract 951.21.06, and with Payne Environmental Consultants, Inc., to support Owl Ridge's work at a total cost not to exceed \$77,000.00.

This agenda item also sought Board approval of a budget modification to add to more money for contract expenses under this project. The budget modification was needed to cover costs not accounted for when the FY2022 LTEMP budget was originally approved. As originally approved, the FY2022 LTEMP budget included a total of \$147,720 for contract expenses and a portion of that funding was planned to be used to fund this work. However, that funding was also planned to be used on LTEMP work related to genetic testing (transcription) on mussel samples. Since the LTEMP budget was passed, the scope of work for the transcription part of LTEMP was expanded (as recommended by Scientific Advisory Committee) and subsequently costs for that part of LTEMP became higher than originally budgeted. To cover the costs of the expanded transcription work and this scope of work, a budget modification was needed to add additional funding for LTEMP.

Robert Beedle questioned where the additional funds would come from. Executive Director Schantz stated that the funds would ultimately come from the Council's contingency fund. She pointed out, however, that the Board had already approved sizeable expenditures at this meeting that would also be coming from the contingency fund. Staff will review all the additional contingency fund expenditures after this Board meeting as well as other unexpended funds that might be returned to the contingency balance.

Amanda Bauer **moved to authorize** a budget modification, adding \$53,880.00 to Project 9510-Long Term Environmental Monitoring Program. Robert Beedle **seconded** and the **motion passed** without objection.

Amanda Bauer **moved to authorize** a contract negotiation with Owl Ridge Natural Resource Consultants, to complete the LTEMP scope of work in RFP 951.21.06 and with Payne Environmental Consultants to support Owl Ridge's work, at a total aggregate cost not to exceed \$77,000.00. Michael Vigil **seconded** and the **motion passed** without objection.

4-10 INCIDENT REPORT UPDATE FOR 2021

Project Manager Assistant Nelli Vanderburg presented a summary of incidents reported to PWSRCAC which occurred in the year 2021. Incident reports include oil spills, fires, 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 Break: 11:55 a.m. – 1:00 p.m.

4-9 APPROVAL OF PWSRCAC'S ANNUAL LONG RANGE PLAN

Director of Programs Joe Lally presented the Council's Five-Year Long Range Plan for fiscal years 2023-2027 for approval by the Board. A workshop was held prior to this Board meeting on January 25, 2022, where the projects were discussed and recommendations were developed for final Board approval. Lally thanked everyone who worked on the LRP process this year. Special thanks were extended to Cathy Hart for her leadership during the process.

Dorothy Moore **moved to approve** PWSRCAC's Five-Year Long Range Plan for Fiscal Years 2023-2027 as developed and finalized for consideration by the Board at the January 26, 2022 Long Range Plan work session. Amanda Bauer **seconded** and the **motion passed** without objection.

PRESIDENT'S REPORT TO THE BOARD

President Archibald spoke about the toll that COVID-19 and its variants had over the past two years on everybody and particularly the toll on the mental and physical wellbeing of health care workers.

He noted the sudden rise of inflationary pressures on all aspects of the US economy and the rise in the price of oil to \$90 for Alaska North Slope crude on that day's market which was good news for the State of Alaska and Alyeska.

He cautioned that ADEC's SPAR budget was not healthy or stable and that it would need shoring up. All these and other pressures would require PWSRCAC to stay vigilant and tough on the issues that ensure the safe transportation of oil from the VMT.

He thanked PWSRCAC staff for their endurance during this pandemic period, handling day-to-day operations in an efficient and effective way and a professional manner, all while on a virtual platform. They interviewed applicants for four staff positions during the same time period and it had consumed much staff time. The process was successfully completed and resulted in the hiring of Ashlee Hamilton in the position of Finance Manager, KJ Crawford as Director of Administration, and Jaina Willahan as Administrative Assistant in the Anchorage office.

He thanked Gregory Dixon and Walt Wrede for their dedication to PWSRCAC and its mission and wished them well in their retirements and future endeavors.

He advised the Council to take its experience from the past and learn from it, whether good or bad, and then stay engaged in the present, without fear of asking the hard questions or pushing a little harder.

EXECUTIVE DIRECTOR'S REPORT TO THE BOARD

A written Executive Director's Report was previously provided to the Board in advance of the meeting. Executive Director Schantz briefly reviewed some of that report and updated other items.

She noted the passing of Administrative Assistant Natalie Novik on October 13, 2021. Schantz recognized Natalie's efforts and the pride she had in her work with PWSRCAC, as well as her extraordinary life and involvement in strong oil spill prevention and response capabilities since volunteering to clean up oil spills in the 1970s in Brittany, France.

Schantz spoke of her top goals of maintaining relationships with industry and regulators and to do what she could to ensure that PWSRCAC's advice is professional and technically sound and is presented in a manner that is well received. She commended the team of staff and volunteers for the great work that they all do. She noted some of the organization's top accomplishments took dedication, patience and perseverance that sometimes took decades to achieve.

Her focus over the past three months had been the regulatory reform effort which involved a lot of work to get the comments together, the outreach efforts and a lot of people working together to get it all accomplished.

As to SPAR funding, she opined that House Bill 104, which contained the refined fuel surcharge adjustment, and was not well supported last session or the session before, and would be unlikely to go anywhere in this session now that the price of gas at the pump was

up. PWSRCAC will be looking for other solutions, but time is of the essence to get something passed this legislative session.

The filing of a request for adjudicatory hearing on the secondary containment liner decision by ADEC was a new priority for staff added at this meeting. Schantz pointed out that PWSRCAC does not take these filings lightly and it was only the second time in the Council's history it saw a need to do so. She pointed out that concern for the integrity of the secondary containment liner at the VMT had been a concern to PWSRCAC for at least 20 years and it was too important an issue for the organization not to have a seat at the table during those discussions that may lead to a revised decision by ADEC. She said staff would be doing outreach on this subject to get letters of support and she encouraged member entities to share the information that Brooke Taylor sent out on the topic and to even add a letter of their own.

She welcomed the new staff members. She noted that a smooth transition from the departing staff to the incoming staff as well as the transition to the new accounting system was a high priority for her in the coming months. In addition, a constant priority was ensuring that the organization's financial and administrative practices were being followed and that there was an accurate record of activities. She said the entire management team and support staff would be meeting together to go over the duties as part of the transition process and to review staff roles, administrative processes and procedures.

She recognized Project Manager Assistant Hans Odegard for taking over the information technology system duties which were previously handled by Gregory Dixon. She reported that the Bookkeeper position remained unfilled and she would be working with the management team to look at that job description and possibly revising it so it best supports the organization's support needs.

She was encouraged by the "Navigating Work and Life Challenges in Pandemic Times" sessions she had participated in with Steve March and she hoped it would help with keeping the team focused. She encouraged more Board members to take advantage of the next session which she would schedule shortly.

She reported that staff continued to plan for an in-person May Board meeting in Valdez. ATC has asked if PWSRCAC would be interested in hosting a joint reception at that time. A decision was yet to be made because of the fluid COVID-19 situation and the logistics of getting people together safely.

FINANCIAL MANAGER'S REPORT TO THE BOARD

Ashlee Hamilton introduced herself to the Board and her experience and reported on some of the projects that she would be working on in the months ahead. Her first project will be putting together and finalizing the 2022-2023 budget. Her second project will be

heading implementation of the new accounting system and software, along with Gregory Dixon. She thanked Dixon for staying on staff to assist her with the transition.

CONSIDERATION OF CONSENT AGENDA ITEMS

(None.)

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 1:55 p.m., on a motion made by Amanda Bauer and seconded by Robert Beedle and passed by unanimous consent.



Secretary

Subject: Re: Permission to use electronic signature

Date: Tuesday, May 31, 2022 at 2:56:00 PM Alaska Daylight Time

From: Inletkeeper

To: Fleming, Jennifer

CC: Shavelson, Bob

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.

Yes. Please go ahead for both sets of minutes.

Thx

Bob

On May 31, 2022, at 1:47 PM, Fleming, Jennifer <fleming@pwsrcac.org> wrote:

Hi Bob,

I'm seeking permission to use your electronic signature on the minutes approved by the Board at the May 2022 Board meeting. They are:

- Minutes of January 27 & 28, 2022 virtual meeting, and
- Minutes of March 8, 2022 special Board meeting.

Both minutes were approved as presented without edits or corrections.

Please let me know!

Jennifer

Jennifer Fleming, Executive Assistant

Prince William Sound Regional Citizens' Advisory Council

O: 907.834.5010

C: 907.831.0055

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