

Regional Citizens' Advisory Council

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The Observer

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Special Report: Follow up on Eastern Lion

• What happened

On May 21 and 22, approximately 8,400 gallons of North Slope crude spilled into Port Valdez from the Eastern Lion. The tanker was carrying BP oil under charter by Amerada Hess.

• How it happened

The ship's operator has concluded that the leak was caused by a small hole in the bottom of No. 1 Port Wing Cargo Tank.

• Human error to blame?

The oil spill might have been prevented, or at least mitigated, if the crew had taken steps to confirm the source of a water leak discovered five days before. When the oil spill occurred, no one on the crew volunteered information about the water leak.

• Environmental damage

Oil got into the Valdez Duck Flats and the Solomon Gulch Fish Hatchery, but it is not known whether and how much damage was done.

• Response efforts

Alyeska's Ship Escort/Response Vessel System (SERVS) responded to the oil spill. BP took over the clean up three days later. Most of the oil was contained and recovered, but perhaps as much as 10% escaped.

Will the real owner of the Eastern Lion please stand up

This is a test. Pick the correct statement:

1. The Eastern Lion is owned by Amerada Hess and Maritime Overseas Corporation
2. The Eastern Lion is owned by Overseas Shipholding
3. The Eastern Lion is owned by Third United Shipping
4. The Eastern Lion is owned by Inter-ocean Management Corporation

Each of these answers came from a reputable source, but the owner of record is a Liberian company, Third United Shipping.

Third United Shipping is a joint venture of Amerada Hess Oil Co. and Overseas Shipholding Group. The latter is the parent company of Maritime Overseas Corp., which operates the Eastern Lion. That may explain why press accounts incorrectly said the tanker is owned 50-50 by Amerada Hess Oil Co. and Maritime Overseas Corporation.

Version #4, citing Inter-ocean Management Corp. was simply in error, although it was repeated several times to RCAC, both verbally and in writing.

Press accounts said the Eastern Lion was a BP charter but that is not the case, either.

The tanker was operated by Maritime Overseas Corp. but actually chartered by Amerada Hess. It picked up cargo owned by BP under an arrangement called a "contract of affreightment." The oil was headed to an Amerada Hess refinery in St. Croix. At its destination the cargo was to be handed over to Amerada Hess.

The lineup of companies involved in some way with the Eastern Lion looks like this:

- Third United Shipping: Vessel owner, a joint venture of Amerada Hess and Overseas Shipholding Group. Third United Shipping owns just the one tanker.

- Maritime Overseas Corporation: Vessel operator, a subsidiary of Overseas Shipholding Group.

- Amerada Hess: Vessel charterer and 50 percent partner in the joint venture company, Third United Shipping, which owns the tanker. Amerada Hess is listed as the guarantor on the tanker's oil spill contingency plan filed with the State of Alaska.

- Overseas Shipholding Group: 50 percent partner in the joint venture company, Third

United Shipping, which owns the tanker.

- BP: Owned the cargo and is designated by contract with the vessel operator to respond if the tanker has an oil spill.

With so many players, it also gets confusing attempting to determine who is responsible for what. Typically, the vessel owner (Third United Shipping) and operator (Maritime Overseas Corp.) would be held responsible for the illegal discharge of oil. The owner of the cargo (BP) and the operator (Maritime Overseas Corp.) would be held responsible for costs incurred by the state and any natural resource damages.

On the other hand, the state could go after the guarantor for costs and penalties related to the spill. Amerada Hess is listed as the guarantor on the tanker's oil spill contingency plan. Alyeska and BP, as the entities charged with responding to the oil spill, would be held responsible for the adequacy of the clean up.

Enforcement of penalties against Third United Shipping could be difficult because it is not a U.S. company.

Skipper fired; answers not satisfactory

The Italian captain of the Eastern Lion who was on duty in the days leading up to the May 21 oil spill has been fired by Maritime Overseas Corporation, according to MOC Executive Vice President George Blake.

At a spill debriefing June 28 in Valdez, Blake said he had just returned from Italy, where he interviewed the captain and senior crew members about a water leak detected five days before the oil spill. The crew apparently assumed the excess water in the wing tank came from a stripping valve and did not take additional steps to confirm their assumption. MOC, which operates the vessel, subsequently found a one-inch hole obstructed from view. That hole was the source of both the water leak and the oil spill. When oil began leaking, the crew did not volunteer information about the water leak.

"He's no longer with us," Blake said of the captain. "He did not give satisfactory answers to our questions."

MOC has examined all its ships that ply the TAPS trade and temporary repairs have been made to pits on two of them, Blake said. MOC has also instructed its crews to verify any water leak and to inform MOC of leaks or other potential problems in the future. Because of the location of the hole in the tank, verifying the source of the water leak would have meant emptying and cleaning the tank and removing a bellmouth.

BP officials said they are satisfied with steps taken by MOC and Amerada Hess, which charters the vessel and co-owns it under a joint venture with MOC's parent

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— Cmdr. Greg Jones, USCG

company.

"We're comfortable with what MOC and Amerada Hess are doing," Bob Malone, President of BP Pipelines (Alaska) Inc., said. "They have an excellent safety record. It's a real embarrassment to them. We've been satisfied with the actions so far."

The crew's failure to volunteer information about the water leak provoked sharp responses from the Coast Guard and RCAC.

In a June 15 letter to Blake, RCAC said the crew's "failure to divulge essential information when response crews were struggling to locate the spill is totally reprehensible. Not only did they exacerbate the impact of the spill on the pristine waters of Port Valdez, they placed response personnel at grave risk by forcing them to search for the source."

Coast Guard Cmdr. Greg Jones echoed that theme at the June 28 debriefing. "This spill was completely preventable," he said. "It's unacceptable that the crew didn't divulge information. It hampered the response and put divers at risk. If we had known about the leak, we might have just loaded the tanker partially and avoided the spill altogether."

However, RCAC and the Coast Guard both praised MOC for coming forward with the information so quickly once it learned of the water leak and the crew's inaction.

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Follow up

State, Coast Guard considering spill penalties

The discovery that the crew of the Eastern Lion withheld information related to the cause of the May 21 oil spill has generated investigations which could result in criminal prosecution and heavy fines.

The Alaska Department of Environmental Conservation (ADEC) has asked the Office of Special Prosecutions to consider criminal charges, according to ADEC Regional Administrator Tom Chapple. The Coast Guard is investigating whether violations, in addition to the discharge of oil, were committed by the tanker crew or the company.

Five days before the ship arrived in Valdez, water leaked through a hole in the bottom of the No. 1 port wing cargo tank, according to Maritime Overseas Corp., operator of the Eastern Lion. The crew assumed the leak was coming from a stripping valve, but did not attempt to verify that assumption and did not inform Maritime Overseas Corp. Nor did the crew volunteer any information when the oil spill was discovered. Maritime Overseas Corp.

“It’s fair to say that when you have an indication of a preventable incident, it’s not going to be a minor penalty and I think the company is aware of that.”

— Cdr. Bill Hutmacher, USCG

learned about the water leak in the course of its own investigation and brought it to the attention of the Coast Guard and RCAC on June 8.

Criminal penalties could apply if the spill resulted from criminal negligence, but it

would likely be a criminal misdemeanor – as opposed to a felony – because the spill was less than 10,000 barrels. The law defines criminal negligence as failing to perceive a substantial and unjustifiable risk. The risk must be of a such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

State civil penalties will be decided by the Attorney General’s Office, based on several factors such as costs incurred by the state and natural resource damages, according to Assistant Attorney General Breck Tostevin.

Tostevin said it had not been decided who would be held responsible, but a ship’s operator typically would be held liable for discharging, or causing a discharge of oil. Liability for the state’s costs and natural resource damages would fall to the operator and the owner of the oil, he said.

The Eastern Lion is owned by a Liberian company, Third United Shipping, and time-chartered to Amerada Hess. The cargo was owned by BP and bound for an Amerada Hess refinery in St. Croix.

The U.S. Coast Guard is taking a two-pronged approach to its investigation. Cmdr. Bill Hutmacher said the investigation of the spill and ensuing response would be fairly straightforward. Based on that investigation, his office in Valdez will recommend a civil penalty against Maritime Overseas Corp., as the ship operator.

“Separately, we’re also looking into whether there were other violations that led to the spill – actions by the crew or the company itself,” Hutmacher said. “It appears to have been preventable, if they had verified what the cause of the water leak was. It’s fair to say that when you have an indication of a preventable incident, it’s not going to be a minor penalty and I think the company is aware of that.”

The Eastern Lion spilled approximately 8,000 gallons of North Slope crude into Port Valdez. All but about 800 gallons was contained and recovered.

“I think this will be a big reminder to any tanker operator how important it is to verify what you think a problem is. The worst thing you can do is make an assumption of the cause,” Hutmacher said.

Disciplinary actions available to the Coast Guard are limited because the Eastern Lion is a foreign-flag ship and its crew is not licensed in the U.S.

“If it had been a U.S. flag vessel and we determined negligence or misconduct, then we could consider charging the individuals, but since it’s a foreign license, the only thing we can do is forward the information to the flag state,” Hutmacher said.

Hutmacher said the results of the Coast Guard investigation will be forwarded to the Department of Maritime Affairs, Republic of Liberia, and to the Italian government. The ship carries a Liberian flag and the crew have dual licenses, from Liberia and Italy.

Alyeska's SERV'S: Lessons learned from the Eastern Lion

by James E. McHale, Manager
Ship Escort/Response Vessel System
(SERV'S)
Alyeska Pipeline Service Company

When oil was reported coming from the Eastern Lion at 9 p.m. Saturday, May 21, Alyeska’s Ship Escort Response Vessel System (SERV’S), with notification to the Unified Command, was on the scene within 15 minutes with a self-propelled skimmer, the Valdez Star. Crews worked through the night as the response ramped up and the size and cause of the spill were assessed.

During the height of the response on Sunday, more than 45 vessels, 14 skimmers and 300 personnel recovered approximately 1,200 barrels of oily liquids from the 200-barrel spill. Some 14,000 feet of boom was deployed, including deflection boom at Solomon Gulch Hatchery and the Valdez Tidal Flats.

By Tuesday, May 24, the Unified Command reported only minor sheens remained in Port Valdez, near the Eastern Lion at Berth 5. Response efforts then focused on cleaning the vessel and the berth and preparing the tanker for its departure on Friday, May 27.

Alyeska’s main objectives for the response were realized, with safety being the number one priority.

- Leakage was stopped by transferring oil within the Eastern Lion.
- Minimal impacts to shoreline or wildlife occurred.
- Response equipment was deployed quickly.
- Personnel performed their duties professionally.
- The transition with BP was smooth, and

caused no operational interruption.

Alyeska has received praise and constructive criticism for its response. We believe there is always room for improvement and this response, although effective, taught us some valuable lessons:

- Skimming operations inside the tanker’s boom allowed oil to escape. Secondary boom placed near the apexes of a tanker’s primary boom will enhance skimming operations and will be in effect September 30.

- Procedures are being written now on skimming inside a tanker’s primary boom to reduce oil entrainment.

- Booming the tidal flats and Solomon Gulch Hatchery will begin sooner. By September 30, Alyeska will pre-stage 6,800 feet of boom at the Container Terminal and additional boom-anchoring buoys at the tidal flats and hatchery will be installed.

- Skiffs dedicated to deploy and tend boom at the tidal flats and the hatchery will be in place by November.

- Mooring of lightering vessels will be reviewed to avoid kicking sheens into Port Valdez.

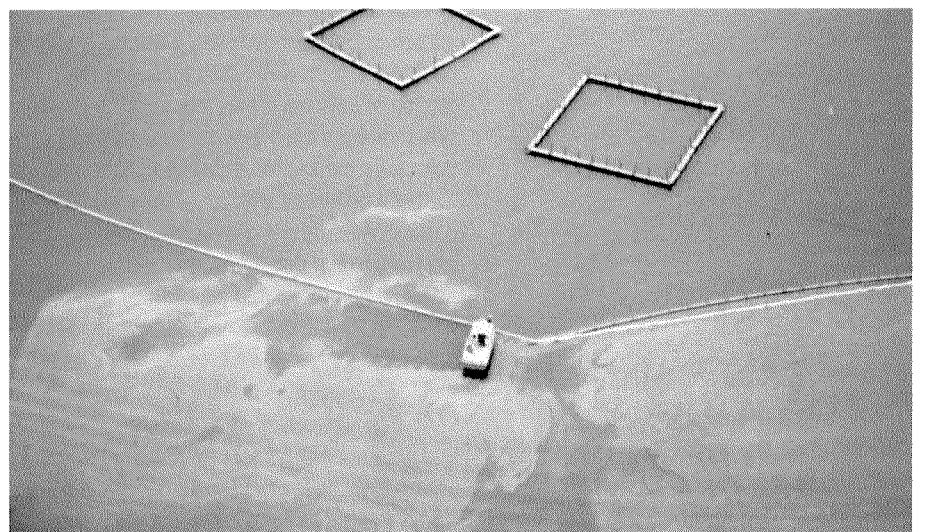
- Use of skimmers close to a tanker will be re-examined.

- Alyeska is considering a new three-level incident response system to enhance communications in the initial stages of an incident.

Alyeska is committed to making these and other improvements. Working with regulators and citizens groups against a common enemy – oil spills of any magnitude – will strengthen Alyeska’s response force, and maintain its reputation as a world-class oil spill prevention and response organization.



Response workers deploy main boom around the Solomon Gulch Hatchery. Photo by Tom Sweeney/RCAC



Oil sheen begins to slip under the permanent boom and move toward net pens at the Solomon Gulch Hatchery. The more protective main boom was not in place until after oil reached the net pens. Photo by LeAnn Ferry/RCAC.

Spill response

Alyeska responds to comments, outlines follow up

Alyeska's response to the Eastern Lion oil spill has been reviewed and "action plans" are underway to improve some aspects of spill response, reassess certain practices and change others. In a debriefing session June 28, in Valdez, officials from Alyeska and SERVS, Alyeska's escort and response arm, addressed points raised by RCAC and outlined steps being taken in light of lessons learned from the Eastern Lion spill.

In addition to RCAC, others at the debriefing included representatives of British Petroleum, Marine Overseas Corporation, the U.S. Coast Guard, Alaska Department of Environmental Conservation and Amerada Hess Oil Co.

Alyeska representatives first addressed points made by RCAC in its "advice and comments" on the spill response.

RCAC advice and comments

- RCAC: The "Transrec" barge should have been used to recover oil at the berth.

Alyeska: The Transrec barge wasn't used at the berth, even though it had been tried in a drill, as they didn't feel it was the right tool for this type of spill because of its size, the quantity and thickness of the oil spilled, and the tidal conditions. However, as part of an action plan, two Transrec barge exercises at the terminal will be scheduled this summer to drill this strategy.

- RCAC: The Nearshore Response Plan was not mobilized and should have been.

Alyeska: The Terminal Response Plan was the operative plan, but elements of the nearshore plan were used: fishing vessels pulled U booms, a Desmi skimmer was employed off the landing craft Krystal Sea, and the hatchery and duck flats protection were deployed consistent with the near shore plan.

- RCAC: Oil leaking from the ship was not contained because the boom was not configured properly and tended, and more

boom should have been deployed.

Alyeska: Boom should be maintained constantly and sometimes it wasn't, but no boom in the world is going to contain 100 percent of the oil. Plans are underway to improve boom performance at the berths.

- RCAC: Alyeska should have responded more aggressively despite early reports that the spill was small. Spills are almost always underestimated at first.

Alyeska: Mobilization was slow because the spill happened on a Saturday night in the dark. SERVS brought in equipment and people as soon as they were available.

- RCAC: Measures to protect the Solomon Gulch Hatchery and the Valdez Duck Flats should have been taken much sooner.

Alyeska: Agreed.

- RCAC: Oil escaped in part because boom was not configured properly.

Alyeska: Concluded after some study that generally booms had been placed at their optimum positions. However, these positions will be reassessed.

- RCAC: Although it's boring work, boom must be tended to ensure effectiveness.

Alyeska: Boom tending is crucial. SERVS is planning more training and supervisors will make a greater effort to check booms in a response.

- RCAC: Permit applications to go ashore were not submitted until Monday, even though it was known Sunday that shorelines might be impacted.

Alyeska: Verbal permission from most of the landowners was obtained Sunday; the written applications had to wait until state offices opened for business. Responders could have gone ashore Sunday with the verbal permission.

Action Plans

Alyeska and SERVS representatives outlined action plans now in progress:

- Better booming and skimming at the



Oil escapes from containment boom around the leaking Eastern Lion, as skimmers work to pick up oil inside the boom. Photo by LeAnn Ferry/RCAC.

terminal – SERVS is identifying ways to improve the system by trying different types of equipment and techniques. The plan includes exercises using the larger "Transrec" skimmers and development of a tactical guide for berth oil spill response.

- Protection of the duck flats and container dock – Protective measures and techniques are being reassessed. Boom and other equipment will be pre-staged at the tide flats. SERVS will identify anchor points and anchor systems. SERVS plans to develop new deployment plans for both areas. There will now be a strong commitment to protect the container dock and the duck flats in a spill in Port Valdez.

- Solomon Gulch Hatchery Protection – SERVS plans to improve boom configuration, construct beach sealing and anchor points, place additional buoys offshore, add skiffs for boom deployment and tending in

shallow water, and commit to hatchery protection as a priority.

- Additional vessels – SERVS has requested funding for several work boats and jet skiffs for use in Port Valdez spills, particularly at the duck flats and hatchery.

- Incident identification – A plan is being developed to "...position ourselves to get ahead of the curve," by categorizing spills and other incidents according to the level of emergency. A corresponding notification process and response scenario apply to each level of spill or incident. The preliminary plan calls for spills or incidents to be categorized as "green" (routine upset, fully contained, no threat; short list notification); "yellow" (unexpected, potential for physical or perceptual escalation; prepare for situation to get worse); and "red" (physically or perceptually out of control, local resources insufficient; full blown callout and response).

RCAC recommends more aggressive spill response

Some of the oil that escaped into Port Valdez from the Eastern Lion could have been contained if Alyeska had responded more aggressively to what was thought to be a small spill. That was among the observations, advice and recommendations passed on to Alyeska by the RCAC in the wake of the Eastern Lion incident.

In a June 3 letter and report to Alyeska President David Pritchard, RCAC commented on the response to the May 21 spill and offered suggestions for improvement. Monitoring oil spills is a core responsibility of RCAC under both its contract with Alyeska and its federal mandate as the citizens' advisory group for Prince William Sound.

"An overriding theme of the Eastern Lion response was underestimation. RCAC strongly recommends that Alyeska be more proactive in its response rather than reactive. It is better to overestimate the size of a spill than to underestimate . . ." RCAC said.

The spill was initially thought to be about 50 gallons and the response effort reflected that assumption. If more equipment had

been mobilized early, less oil would have escaped initial booming and skimming, according to RCAC.

In the same vein, the report said, sensitive areas would have been better protected from escaping oil if Alyeska had mobilized the resources and equipment described in its Nearshore Response Plan and Hatchery Protection Plan.

RCAC said response efforts to protect the Solomon Gulch Hatchery should have been mobilized immediately. Oil got into the net pens at the hatchery because the main boom was not placed until after oil had reached the net pens. RCAC reiterated its previous recommendation that the hatchery be boomed automatically whenever oil is spilled in Port Valdez.

RCAC said more boom should have been deployed around the ship and boom should be tended constantly to ensure proper configuration and prevent oil from escaping. Sections of the boom at the hatchery ended up almost perpendicular to the currents, allowing oil to escape underneath. Containment boom around the tanker was observed flat against the hull of the ship.

"An overriding theme of the Eastern Lion response was underestimation. . . It is better to overestimate the size of a spill than to underestimate . . ."

– RCAC

RCAC also noted what went right in the spill response.

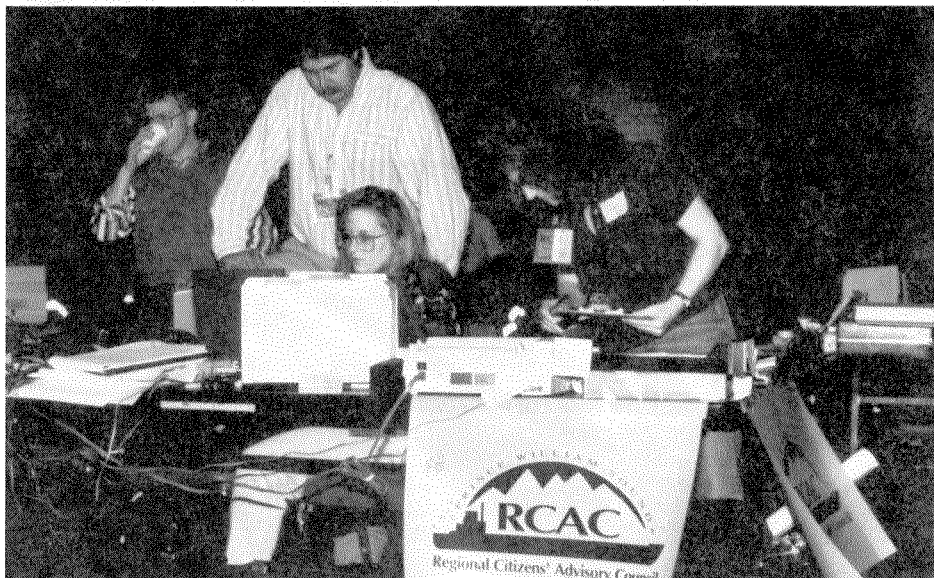
"While there were many areas that we feel can be improved upon, RCAC also recognizes the fact that if it were not for the efforts of many people involved, the Eastern Lion spill could have been much worse than it was," the letter said.

RCAC complimented the fishing vessels for fast and professional response and praised Alyeska's Ship Escort and Response Vessel System (SERVS) for its quick response. SERVS Nearshore Supervisor Steve Hood was singled out in particular, for recognizing the danger to the hatchery and mobilizing protective measures to minimize further oiling.

RCAC also gave high marks for BP's quick and decisive response; the availability of cleanup supplies and smooth functioning of most equipment; the conservative approach taken in reporting quantities of oil and water recovered; and the timely notification of state and federal regulatory agencies. With only minor exceptions, officials at Alyeska and BP cooperated with RCAC and helped observers gain access when needed.

RCAC's report on the spill response was prepared by contractor Tim Jones, RCAC's drill and spill monitor, in consultation with others on the RCAC response team.

RCAC



RCAC staff practice keeping track of a spill response at a drill. Photo by Sean Reid.

RCAC in a spill: Observe, verify, inform, advise

RCAC has four jobs in an oil spill – to observe the spill and response efforts, to independently verify information disseminated by official sources, to inform citizens in the spill-affected region and to advise incident command. All four roles were performed for the five days following the Eastern Lion oil spill, May 21.

RCAC was notified of the spill at 12:25 am Sunday, May 22, by a phone call from the U.S. Coast Guard to RCAC staff in Valdez. From early Sunday through Friday, May 27, RCAC monitored oil movement and response efforts, distributed information bulletins to communities, provided independently verified information to the public and advised the incident commander.

Working in shifts, RCAC's response team was on duty round the clock Sunday and Monday, with personnel stationed at RCAC's

Valdez office and the Emergency Operations Center.

Observers provided first-hand reports from the water and air.

RCAC's response team for this incident included staff members Scott Thompson, Stan Stanley, LeAnn Ferry, Rica Salvador, Tom Sweeney, Michelle Meckstroth and Lisa Tomrdle; Board President Stan Stephens; and RCAC drill monitor Tim Jones.

RCAC's role in an oil spill derives from its contract with Alyeska and from the federal law that requires a citizens' advisory group in Prince William Sound. Among other things, RCAC reviews and monitors Alyeska's oil spill response capabilities and increases public awareness of those response capabilities.

Publications, reports available

Copies of most documents are available to the public free of charge. A handling fee will be charged for unusually large documents, indicated by an asterisk (), and for requests of more than 10 documents.*

Publications

- 1993 RCAC "Year in Review," an overview of work and activities. (Ref. #5.9.511.93)
- "Then & Now: Changes since the Exxon Valdez oil spill" examines improvements in oil spill prevention and response, and areas of concern. (Ref: #5.9.517)
- "The Observer," RCAC newsletter, published since 1991. (Specify issue).
- "A Voice for Prince William Sound," 10-minute video on RCAC.

Consultants' Reports (1994)

- "Eastern Lion Oil Spill, Preliminary Report." Author: Tim Jones. May 31, '94.
- "Alyeska Planholder Responsibilities," review and analysis of Alyeska and the Prince William Sound Tanker Spill Prevention and Response Plan. Author: Richard Townsend. May 94 (Ref. #2065).
- "Third Survey Report March 6-26, 1994," Long term environmental monitoring program. Author: Kinetic Laboratories, Inc. April 28, '94 (Ref. #4009E)
- "Annual Monitoring Report - 1993," Long term environmental monitoring program. Author: Kinetic Laboratories, Inc. Feb.94. (Ref. #4009D).
- "Drill Monitoring Annual Report - 1993."

Review of consultant's monitoring. Author: Tim Jones. Jan. '94 (Ref. #2050)

• "Contingency Plan Program Protocols," standardized guidelines for reviewing oil spill contingency plans. Authors: Michelle Straube, Randy Bayliss and Theresa Svancara (Ref. #2046)(* charge)

Advice & Comments (19 94)

- Comments to ADEC on Prince William Sound Tanker Oil Discharge Prevention and Contingency Plans. June 15, '94 (Ref. #2529).
- Comments to Alyeska regarding the Eastern Lion Oil Spill. June 3, '94 (Ref. A/C 10.2.1019)
- Comments to ADEC on the Alyeska Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan. June 1, '94 (Ref. #2528).
- Comments to U.S. Coast Guard on the Prince William Sound Area/Regional Coastal Zone Contingency Plan. April 8, '94. (Ref. A/C 2525)
- Comments to Alyeska and ADEC on the third edition of the 1993 Valdez Terminal Oil Spill Prevention and Response Plan. 1/21/94 (Ref. #A/C 6522 and 6521).
- Comments to ADEC on Oil and Hazardous Substances Pollution Control Regulations 1/18/94 (Ref #A/C 6519).

Prince William Sound Regional Citizens' Advisory Council

The Prince William Sound Regional Citizens' Advisory Council (RCAC) is an independent, non-profit organization formed after the 1989 Exxon Valdez oil spill to minimize the environmental impacts associated with the terminal and tanker fleet.

The RCAC has 18 member organizations, including communities impacted by the Exxon Valdez oil spill, a Native regional corporation and groups representing fishing, aquaculture, environmental, tourism and recreation interests in the impact area.

RCAC is certified under the federal Oil Pollution Act of 1990 as the citizen advisory group for Prince William Sound, and operates under a contract with Alyeska. The contract, which is in effect as long as oil flows through the pipeline, guarantees RCAC's independence, provides annual funding, and ensures RCAC the same access to terminal facilities as state and federal regulatory agencies.

The mission of RCAC is citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers.

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