

The Observer

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AK Chamber of Commerce - AK Wilderness Recreation & Tourism Assoc. - Chugach Alaska Corp. - Cordova District Fishermen United - OSREC - PWS Aquaculture Corp.

New legislative committee is formed, already faces fishing vessel problem

The council's Legislative Affairs Committee for 2008, formed in December, is already focusing on what could become a major council issue: a state requirement that fishing vessel captains pay unemployment taxes for crew members during oil-spill response training.

The six-seat committee, made up of council board members, monitors action in Juneau during the legislative session, advising the full council as needed. This year's members are Patience Andersen Faulkner of Cordova, Steve Lewis of Seldovia, Blake Johnson of Kenai, John Velsko of Homer, John French of Seward, and Walt Parker of Anchorage. Velsko and Johnson are the chair and vice chair. The committee is supported by the council's legislative monitor, Juneau attorney Douglas Mertz.

The issue of unemployment insurance for fishing vessel crews surfaced in July, when the state Department of Labor began notifying vessel captains they were liable for the tax. In the past,

participants in Alyeska's fishing vessel program believed crews were exempt during oil-spill training, as they are when fishing.

But Erna Sturman, a field auditor for the labor department, wrote in the July 20 letter that "Alaska law does not exempt wages or shares paid to your employees while working in . . . oil spill drill operations."

Alyeska's program involves about 350 fishing vessels that would be available for cleanup operations in the event of a major oil spill. Alyeska pays the captains via contract, and the captains pay the crews. Those vessels are kept under contract and receive regular training so they can respond immediately to spills.

As the state's letter began circulating, the council started hearing concerns that captains might drop out rather than put up with the unemployment insurance paperwork for just a few days a

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Work continues on tanker spill plans

The state of Alaska in early November approved new contingency plans describing how oil shippers will prevent and respond to oil spills.

But the state and the citizens' council had lingering concerns about shortcomings in the plans. As a result, a steering committee was formed to address the remaining issues. The committee, made up of the Alaska Department of Environmental Conservation, Prince William Sound tanker operators, Alyeska's Ship Escort/Response Vessel System, and the council, met in December and January.

The state attached several conditions to its approval of the plans filed by the companies that ship oil out of Valdez, most of which is carried for Exxon, BP, and ConocoPhillips.

Among the conditions:

- Verification that enough person-

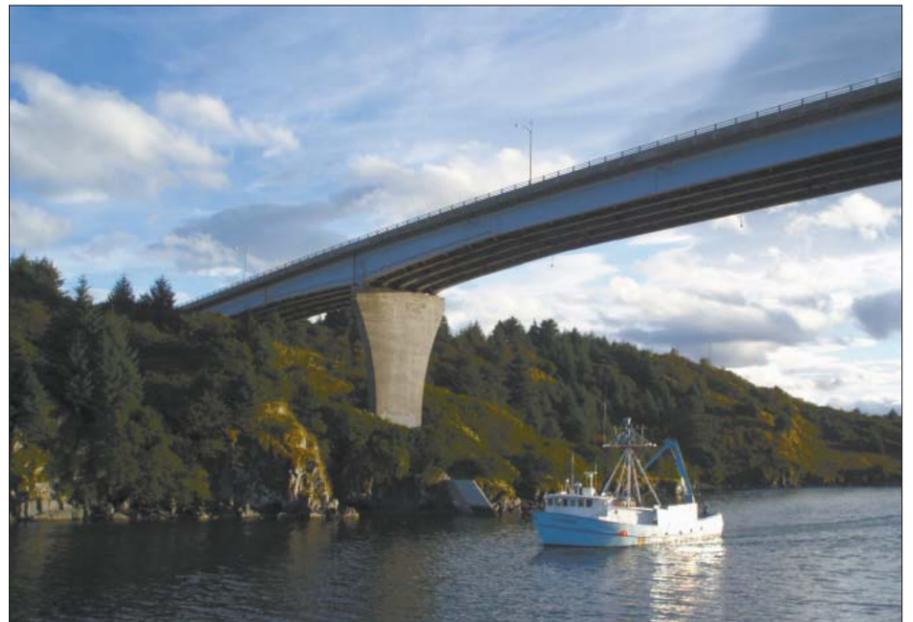
nel are available to carry out all the requirements in the plans

- Verification that aerial support is available for monitoring use of chemical dispersants in a spill

- Documentation that measures are in place for activating Tier III of the Fishing Vessel Program. (This tier is for vessels that are hired, and trained only after a spill occurs. Other tiers are contracted to respond immediately.)

The council had raised 19 issues in comments before the plans were approved by the state. Many were resolved, but others weren't, such as responding to oil spills outside the Sound and some Best Available Technology issues.

"We appreciate the shippers' willingness to improve the plans via the steering committee," said John Devens, executive director of the council.



FISHING TOWN—The council's September board meeting took place in Kodiak. Like most of the council's member communities, Kodiak is heavily dependent on commercial fishing. Photo by Tom Kuckertz.

Stephens leaving board after 18 years

Stan Stephens, who started service on the citizens' council board in 1990, resigned his seat at the start of this year.

He said in a letter announcing his resignation that he plans to continue his three decades of oversight of the oil industry in Prince William Sound, including pushing for such things as weather buoys, a one-way zone for tankers in the constricted waters leaving Valdez, and better escort and rescue tugs.

"We need more RCACs, and we need more people like those on the board and committees, who give of their time and expertise," Stephens wrote.

"I will always be involved and hopefully I will be able to help the council with its issues," Stephens told the Observer in an email.

Stephens has served almost continuously on the board since 1990,



Stan Stephens

and was elected president several times. His most recent term in the top post ended in May 2007.

Stephens, who was born and raised in Minnesota, has been in Alaska since 1961. He is the owner and operator of Valdez-based Stan Stephens Cruises.

He represented the Alaska Wilderness Recreation and Tourism Association on the board. A replacement was expected to be seated at this month's meeting of the council board.

Valdez resident takes vacant chamber seat

In other changes to the council board, Patrick Duffy of Valdez was seated to represent the Alaska State Chamber of Commerce when the board met in September in Kodiak.

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Volunteer Profile

George Skladal, here since committee's beginning, is planning to stick around for the end, as well

By JACQUELYN OLSON
Project Manager Assistant

No matter what it is or where it's at, the odds are pretty good that George Skladal has been there, seen it, or done it.

Skladal, 74, is a member of the council's Terminal Operations and Environmental Monitoring Committee. Skladal was born in the Philippines, where his father was stationed with the American military. In 1939, his family moved back to the United States into his first U.S. home which included a 180-acre farm and 100 yards of driveway (to later be hand-shoveled, every winter) in Woburn, Mass.

Skladal learned to adapt to regular changes of environment as the family continued moving. He attended a military high school and college, and then spent the next 20 years in the Army as an Airborne Ranger officer. He served in such widely-scattered points as Georgia, North Carolina, Virginia, Japan, Kansas, Korea, Vietnam — and Alaska. Mostly he worked in logistics — the part of the Army that makes sure the troops get the food, fuel and gear they need.

Skladal's specialty was petroleum-related facilities like pipelines and tank farms, which would later dovetail with his interest in serving on the council's terminal operations committee.

In 1967, the Army sent Skladal to Alaska. He drove up the Alcan to become a petroleum officer on the joint staff of the Alaskan Command, helping supply Army, Navy, and Air Force facilities in Alaska by ocean tanker and 700 miles of pipelines. In addition, he coordinated oil spill clean



George Skladal and one of his sculptures. Photos courtesy of George Skladal, left, and by Jacquelyn Olson, right.

up of Canadian lakes with Canadian officials and received a commendation for his role in logistical relief efforts during the 1967 Fairbanks flood.

In 1970, he was posted to Vietnam to command a petroleum battalion at Cam Ranh Bay, a sprawling facility that served American operations in the middle section of the country. He spent 18 months there, overseeing 2,500 people and enduring many restless nights from enemy rocket attacks. Although no rocket ever hit one of his fuel tanks, a pump at the docks was struck one night. "We had to step over unexploded rockets to get in and fight the fire," Skladal said.

In 1971, he received the Bronze Star for outstanding performance of duty as the leader of the logistical battalion in Vietnam.

His stint there ended that year with his return to Alaska, where he once again worked in Army logistics. However, when Skladal retired in 1974, at

age 41, boundless opportunities lay before him. He narrowed it down to two choices: become a lawyer, or a professional engineer?

When he learned the engineering track would require a five-year apprenticeship under a practicing professional, the choice was easy. "As a lawyer, you're knighted immediately," he said. "You don't have to work under anybody."

He went to law school in Texas, and now is licensed to practice law in federal court and in the state courts of Texas and Alaska, as well as the U.S. District Court in Alaska, the U.S. Court of Appeals, Ninth Circuit, and the U.S. Supreme Court. In addition, he teaches math at a private school in Anchorage.

When Skladal heard after the 1989 Exxon Valdez oil spill that the citizens' council was forming a committee to oversee operations at the Valdez tanker terminal, he was one

of the first to volunteer. That was in 1990 and even now, Skladal is still going strong as a TOEM committee member, recently volunteering for a joint committee project to assess the state of tanker fire-fighting capabilities at Alyeska and the Valdez Fire Department.

"I had operated terminals and pipelines in the Army," Skladal said. "I thought I could make some contribution with my knowledge of operations, and I was also familiar with environmental concerns."

With his background as a lawyer, a petroleum and civil engineer, the experience acquired in the Army, and his passion to alleviate environmental concerns, Skladal is a noteworthy asset to TOEM, said Bob Benda, who chairs the committee.

Now, some 18 years later, how long does Skladal plan to be a part of the citizens' council?

"As long as it lasts," Skladal said. "I cannot think of a better organization to be a part of with excellent staff, board, volunteer members, and overall goal. Together, we are doing an outstanding job in protecting the environment, health, and welfare of the Valdez people, Alaskans, and the United States."

In 1993, Skladal began taking art lessons — first painting, then drawing, and now sculpture and hand-thrown ceramics. It was a childhood interest, but one that he never had time to develop. His masterpieces can now be found on display at UAA, up for high bidding at fund raising events, or throughout his home.

Another hobby of his includes swimming 1,400 miles each year. And he plans to stick with that, too.

Former member of board passes away

Leslie Smith, a Kodiak resident who served on the citizens' council board in its early days, passed away in October 23 in Boise, Idaho, at 53.

Smith grew up in Massachusetts, and came to Alaska for a graduate program in wildlife biology. In 1982, she went to work on a seiner in Kodiak. She bought her first boat, the Kikituk, in 1985.

She became an activist after the Exxon Valdez spill, helping organize the Kodiak Seiners

Association to negotiate for fishermen to assist in the cleanup and representing the city of Kodiak on the council board from March 1990 through May of 1991. She also worked with Alyeska Pipeline to enlist fishing-boat owners to be trained to use spill equipment.

In 2005, Smith was diagnosed with mesothelioma, a cancer of the lining of the chest or abdominal cavity. She carried on life as normally as possible despite her illness, according to Phil Lansing, her life partner.

DUFFY: Long experience in marine transport

Continued from Page 1

The chamber holds a council seat on behalf of the tourism industry as it was affected by the Exxon Valdez oil spill of 1989.

Duffy manages the Valdez terminal of Petro Star Inc. He previously owned and operated Jade Mountain Music in Valdez. He has lived in Valdez since 1993 and has over 20 years experience in marine transportation. Before joining Petro Star in 1997, he spent over a decade with Crowley Marine Services. One of his functions there included management

of oil spill response personnel and equipment.

He is a board member of the Alaska Chadux Corporation, a non-profit oil-spill response organization that is headquartered in Anchorage.

Duffy fills the seat formerly held by Bill Schoephoester, who has retired and left Alaska.



Patrick Duffy

VESSELS: Fix may be in works

Continued from Page 1

year of oil-spill training.

The council conducted a survey of fishing vessel captains about the problem. Some said the paperwork was manageable; others were upset and said it could deter participation. "It's a royal pain," one of the captains complained. "It sure adds a lot of extra to a simple drill."

Because of the potential for disrupting the fishing vessel program, the council began looking into possible fixes, such as a change to state law. A bill has been introduced by Reps. John Harris of Valdez and Paul Seaton of Homer to exempt crews from the unemployment tax while in the fishing-vessel program.

But it's not clear that changing state law would be a complete solution. Unemployment

insurance is governed by the Federal Unemployment Tax Act, which may not allow the exemption envisioned in the Harris-Seaton bill.

That's according to Mertz, the legislative monitor. In a legal analysis, he wrote that "none of the exemptions in the federal law would exempt fishing vessels or their crew while acting as spill responders."

The state Department of Law is reportedly reviewing the state-federal jurisdictional issue, but no opinion had been released by Observer press time.

"We'd hate to see the fishing vessel program fall apart because of this problem," said John Devens, the council's executive director. "We'll do everything we can to help fix it, including taking it to the federal level if that turns out to be necessary."

From the Executive Director**Punitive damages valuable for deterring oil spills**

At about the time this Observer reaches you, our council will be filing papers in the punitive damages case arising from Alaska's most famous environmental disaster, the Exxon Valdez oil spill.

In 1994, a jury returned a \$5 billion judgment against the company and in favor of thousands of commercial fishermen and other individuals hurt by the spill. The case has been on appeal ever since, with the award reduced to \$2.5 billion, plus interest. Now it has reached the U.S. Supreme Court and our council is submitting a friend-of-the-court brief.

This doesn't mean we're becoming a plaintiff. A friend-of-the-court brief is advisory, and giving advice is at the heart of our mission of promoting safer crude oil shipping through Prince William Sound. If the court rules that Exxon must pay, we won't get a share. We're not even taking a position on what size award is appropriate.

Why, then, are we entering this case?

It's simple: Exxon is arguing that giant corporations that have giant oil spills like the Exxon Valdez should be immune from punitive damage claims.

The company's argument turns on the case of the *Amiable Nancy*, a precedent in maritime law that is now nearly two centuries old. It was born in 1814, when the *Nancy* was plundered by an American vessel called the *Scourge*. The privately owned *Scourge*, operating on behalf of the U.S. government during the War of 1812, was supposed to attack British ships. The *Amiable Nancy* was Haitian and Haiti was neutral in the war, so the *Scourge* was not authorized to attack it. The *Nancy's* crew and owners sued and won a damage award against the *Scourge's* owners.

The Supreme Court overturned it, reasoning

that the captain and crew of the *Scourge* had so far exceeded their authority that the owners weren't liable. Exxon now argues that this logic protects it from liability for its spill in 1989 in Prince William Sound.

The first problem with Exxon's argument is that today's ships and operations bear little resemblance to those of 1814.

Ships are larger now. They carry more cargo. The cargo is more dangerous.

The 986-foot Exxon Valdez carried 53 million gallons of toxic North Slope crude; an estimated 11 million gallons escaped into Prince William Sound, fouling waters and shorelines as far away as Kodiak and the Alaska Peninsula.

The *Amiable Nancy* carried corn. Though the sizes of the vessel and its cargo went unrecorded, it seems a safe bet the *Nancy* was well under 986 feet in length and carried well under 53 million gallons of corn.

Ships today are also under much closer control by their owners. Two hundred years ago, a ship might be out of touch for months or even years as it traversed the seas at the speed of sail. Now, crews and owners are in essentially continuous contact thanks to radio and satellite communication.

So it's a stretch for Exxon to claim the captain and crew of the Exxon Valdez were beyond its control when the tanker pulled away from the Alyeska terminal and drove onto Bligh Reef.

Exxon knew about the captain's drinking problem, though it's never been clear how big a role that played in the grounding.

Exxon knew about, and bears sole responsibility for, manning practices that left the crew overworked

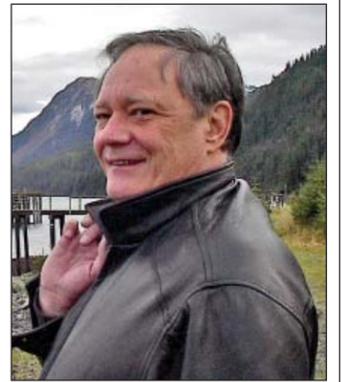
and exhausted from the labor of docking the ship, loading it, getting it under way again, and steering it through the confined waters of Port Valdez and the northern part of Prince William Sound. Crew fatigue was among the causes of the accident cited by the National Transportation Safety Board.

If there's any doubt of Exxon's responsibility for the grounding itself, there surely can be none about its responsibility for what followed.

Alyeska Pipeline, which has responsibility for initial cleanup efforts after a spill, was utterly unprepared for what it had to deal with on March 24, 1989. Exxon was (and is) one of the owners of Alyeska. It helped determine Alyeska's budget, how much equipment Alyeska would have on hand, and how well Alyeska's people would be trained to clean up oil. If Alyeska wasn't ready, that's due in large measure to deliberate actions by Exxon itself.

Punitive damages are not the only deterrent to corporate misbehavior, but they are an important one. If the risk of punitive damages is removed from the decision-making process in the executive suites of Exxon and corporations like it, they will have one less reason to behave responsibly. The Supreme Court should make sure that doesn't happen.

• John Devens is executive director of the Prince William Sound Regional Citizens' Advisory Council.



John Devens

Alyeska Viewpoint**2007: A year of challenges and accomplishments**

As we begin the new year, I would like to take this opportunity to reflect on our accomplishments over the past 12 months and share a few of those in which we worked closely with the citizens' council.

In 2007, we celebrated 30 years of operating and maintaining the pipeline and the Valdez Marine Terminal.

Over that time, we safely delivered over 15.5 billion barrels of oil. Celebrations were held at every facility on the pipeline and in Anchorage, Fairbanks, and Valdez. This past year we achieved a reliability rate of 99.83 percent with an average daily throughput of over 740,000 barrels per day.

In the annual spring and fall Ship Escort Response/Vessel System fishing vessel training program, a total of 305 fishing vessels with over a thousand crew members were safely trained in the use of equipment and in oil spill response tactics. Alyeska relies heavily on the resources and local knowledge of fishermen from the communities in Prince William Sound and beyond.

After a plan holder review of storage capacity, an additional oil recovery barge and tug was added to the existing fleet. Decant piping (a system to discharge sea water from barge cargo tanks after the recovered oil has been separated) was installed on four barges to maximize storage capacity in the event of a spill on the water. A lot of hard work by mariners, SERVS employees, and stakeholders went into the successful submittal and approval for the Prince William Sound Tanker Contingency Plan.

BP was the sponsor of the annual tanker plan drill held in May. Alyeska's performance received praise from the council and other stakeholders, successfully meeting all objectives.

A drill was also held at the Valdez Marine Terminal, focusing on sensitive areas in Port Valdez. This drill also met all objectives.

As the first phase of major work scheduled for the Ballast Water Treatment Facility, the vapor recovery system on the 90s tanks (used for ballast water storage) met the scope and schedule requirements of the project. For a variety of reasons to maximize the opportunity for a successful startup, the terminal operations management team decided to postpone the start-up of the vapor system until after the holidays, and that process is in the beginning phase at this writing. We are especially proud of this milestone. Completion of this project will eliminate a major emissions source and a substantial safety hazard presented by flammable vapors in the storage tanks.

Other work at the terminal included the cleaning, inspection, and repair of crude oil storage tank Number 8, which has now been returned to service.

The council and others raised concerns around the structural integrity of the door sheet for diesel storage tank Number 55. Alyeska and the council worked collaboratively to identify a third party consultant and scheduled a field inspection and review of this tank. Upon delivery of the report, no structural integrity issues were identified, although there were lessons learned surrounding engineering documentation issues for Alyeska. We appreciate the constructive manner in which the council worked with us to resolve these concerns.

We were flattered in that the council recommended Alyeska for the Legacy Award. Though Alyeska did not win the award, this recognition by

the council reinforces the confidence and positive relationship that has developed over the years. We know we had to earn this nomination on the merits of our performance, and we remain strongly committed to comply with environmental laws and regulations and proactively minimize environmental impacts.

Alyeska community contributions included the staging of the annual health fair throughout Prince William Sound, and the company generated over \$590,000 for the United Way Campaign, including employee contributions and the company's dollar-for-dollar match. The impact this generosity has on Alaskan communities is huge and greatly appreciated and the employees in Valdez were a big part of the success for this campaign.

Finally, we greatly improved on our safety performance when compared to prior years. It is no surprise that good safety performance carries over into many facets of the business.

In summary, the Valdez Operations teams accomplished their key goals in 2007 and we are looking forward to a safe and successful 2008. We will continue working closely with the council and do all we can to move oil safely and be responsible stewards of the environment.

• Greg Jones is Valdez Vice President, Alyeska Pipeline Service Co.



Greg Jones

Community Corner**Calling all coloring book artists!**

WE WANT YOU...to submit simple line drawings related to our region for the next edition of the Prince William Sound coloring book. The coloring book is provided free to students in the area and is handed out at conferences. It has been very popular and we look forward to publishing the new edition.

Drawings must be received by February 29. You can mail your work to me at our Anchorage office using the address at the bottom right of this page. Or, if you can make a high-quality digital image of your work, you can try emailing it to me at robinson@pwsrccac.org.

Fall began with a successful reception at the Old Powerhouse Restaurant in Kodiak in conjunction with our September board meeting. Many community members and officials came to visit with the council and its staff while munching on sushi.

To assist the council's goal of increasing student involvement, we have formed an education working group. We met in October to discuss priorities and ways to involve more students in the council's work.

One step toward that goal was to invite teachers and students from two schools in our region to participate in the second annual science night, the volunteer workshop, and the volunteer appreciation party, where guest speaker Dr. Peter Rona talked about his exploration of volcanoes under the sea. Valdez teacher Jenny Heckathorn brought Samantha Ace, Sara Stahley, and Bud Scott to the events in late November, while teacher and council board member Jane Eisemann of Kodiak brought Sonia Sorto and Allie Bateman.

Science night consisted of presentations by Steve Okkonen on Gulf of Alaska water temperatures and currents; Jim Alanko on coastal ocean dynamics applications radar; Scott Pegau on Cook Inlet currents; Jennifer Ewald on the Prince William Sound tides and currents; James Beget on seismic issues in Port Valdez; and Jim Payne and Bill Driskell on the council's Long Term Environmental Monitoring Program.

The students from Kodiak hope

to make a presentation next year at Science Night, and the students from Valdez plan to present lessons from the recently updated Oil Spill Curriculum to elementary students. The curriculum is available on the council website, www.pwsrccac.org, for free download.



Linda Robinson

In November, Jacqueline Olson and Dan Gilson, of the council's Valdez office, gave presentations to local high school students on the council and invasive species. Scientific Advisory Committee volunteer Peter Armato and I gave a presentation in mid-December at Seward High School on the council and "Alien Invaders." The students were very enjoyable.

The council's information booth was set up at the annual conference of the Alaska Association of Municipal Clerks, November 4-6 in Fairbanks; at the annual meeting of the Society for Environmental Toxicology and Chemistry, November 11-15 in Milwaukee; and at Pacific Marine Expo, November 15-17 in Seattle. Upcoming conferences include the Alaska Forum on the Environment and the Alaska Wilderness Recreation and Tourism conference, both taking place in February. We will also participate in the Kenai and MatSu Sportsman's shows in the spring.

The council wishes to thank Denise Saigh and Bill Schoepfoester for their service. They each recently resigned as volunteers. Denise was on the Terminal Operations and Environmental Monitoring committee, or TOEM, and Bill represented the Alaska State Chamber of Commerce on the board. We appreciate our volunteers and their work. We are looking for more volunteers for TOEM as well as the Port Operations and Vessel Traffic System committee. Please let me know if you are interested.

We also wish to welcome new committee member Bob Flint who has joined the Oil Spill Prevention and Response committee, and Pat Duffy who replaced Bill Schoepfoester on the board.

The council and staff of the Prince William Sound Regional Citizens' Advisory Council wishes you a safe and happy new year!

Prince William Sound Regional Citizens' Advisory Council

The Prince William Sound Regional Citizens' Advisory Council is an independent, non-profit corporation formed after the 1989 Exxon Valdez oil spill to minimize the environmental impacts of the trans-Alaska pipeline terminal and tanker fleet.

The council has 18 member organizations, including communities affected by the Exxon Valdez oil spill and groups representing Alaska Native, aquaculture, environmental, commercial fishing, recreation and tourism interests in the spill region.

The council 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 Pipeline Service Co. The contract, which is in effect as long as oil flows through the pipeline, guarantees the council's independence, provides annual funding, and ensures the council the same access to terminal facilities as state and federal regulatory agencies.

The council's mission: Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers.

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Dr. Peter Rona visits with Kodiak students Sonia Sorto (center) and Allie Bateman during the council's Volunteer Appreciation Party. Photo by Linda Robinson.

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