

# Excerpted quotes by ADEC Commissioner Jason Brune, from his comments at the Prince William Sound Regional Citizens' Advisory Council Board of Directors meeting

September 19, 2019

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**Commissioner Brune has invited the public to be engaged in reviewing the statute and regulations that establish and enforce oil spill prevention and response preparedness safeguards**

“It's imperative that we reach out and have detailed discussions with stakeholders as part of this process.” [\(25:8-10\)](#)

“If the feedback that we ultimately get as part of this process does not show any reason for change, we won't change it.” [\(35:12-14\)](#)

“I want the public to see what other members of the public are commenting on and they deserve to see them and they don't -- they shouldn't have to FOIA [Freedom of Information Act] them to be able to see them.” [\(44:5-8\)](#)

“I could have gone and worked with industry and just said we're going to cut this and eliminate this and eliminate this and brought it forward, comment. I didn't want to do that. I wanted to give the public, if they wanted to engage, an opportunity to give me their input. That includes industry. That includes the RCACs. That includes environmental groups, the fishing industry, you name it, to give input and then we're going to take that feedback and we may or may not make changes.” [\(51:5-13\)](#)

### **Commissioner Brune remains vague about what comments and input from industry prompted this review of contingency plan (c-plan) regulations and statute**

“We've heard it from a lot of folks that there are concerns about the size that the c-plans have grown to.” [\(6:2-3\)](#)

“We have internal changes that have been proposed to me already but we're also looking for feedback from the public. So there are things that my team absolutely feels are worthy of considering for changes in the process.” [\(10:10-13\)](#)

“I am going to say that there is feedback that addresses the regs. I absolutely will consider -- or the statutes. I will absolutely consider that as well.” [\(14:2-4\)](#)

“I've heard a lot of folks say they want huge changes.” [\(19:9-10\)](#)

“There were a number of comments that were made as part of the portal in the process prior when Governor-elect Dunleavy was soliciting comments from the public that came forward and those are all on the record. I also have had a lot of informal conversations with people. I'm not going to throw them under the bus but those comments will absolutely be fully disclosable during this process if they want to put their money where their mouth is and come forward with comments during the scoping process.” [\(16:24-17:8\)](#)

*Responding to the question - Is there a regulation that you've been made aware of that is burdensome and could you clue us in on what that one is?* COMM. BRUNE: “I will say -- I'm going to get a ‘get out of jail free card’ on that one and say the -- if you look at the comments that were submitted as part of the transition team, c-plans were talked about in generalities and so I would say no. I would say that there are ones that I've seen that my team has pointed out to me, that my deputy commissioner has pointed out to me but, I mean, I don't want to say that there is specifics. I'm looking for that specificity in the comments as part of the scoping process.” [\(30:14-22\)](#)

### **Commissioner Brune suggests that c-plans are outdated, overgrown, and onerous**

“Some of the things that have been added to c-plans over the years, as I said, I think that the c-plans have gotten -- and I know a lot of you disagree with me on this -- but they've gotten overly onerous and too large to the point that they're almost unusable documents.” [\(3:10-14\)](#)

“We need input to make sure that we're doing it [oil transportation] right, that we're doing it in a cost effective manner, that we're doing it based on statute, that we're doing it in a way that's incorporating new technology, all sorts of things to make sure that we're best available technology out there and that we're leading the world in setting the standard for this. But also we're not doing things that are unnecessary, that are burdens, that really are not doing anything to promote safe movement of oil.” [\(7:13-23\)](#)

“Some of what's in c-plans are not based on the regs” [\(14:14-16\)](#) [Note: Sections in the contingency plans list the regulation that it applies towards.]

“We have a responsibility to make sure that our regs are not getting stale. We have to. If we don't do that, if we rely on 30-year-old, 40-year-old regulations.” [\(19:4-7\)](#)

“The generality that had been given to me by a lot of folks from industry was that every new c-plan takes a previous c-plan either from that area or from a different area and then just adds to it and adds to it and adds to it.” [\(29:20-24\)](#)

“A lot of things that are in the c-plans that aren't based in statute, are based in regs, are good and we should incorporate those into the regs and I am not opposed to doing that.” [\(34:12-15\)](#)

“We have to make sure that we're spending Alaska's money appropriately and doing it in a way that's going to encourage investment in the state and it's appropriate to look at the requirements that are a part of c-plans.” [\(35:4-8\)](#)

“The burden on every-day Alaskans is there with the significant amount of regulations that we have for things that are completely unnecessary right now.” [\(47:22-24\)](#)

“We are trying to eliminate that burden that Alaskans have for programs that don't exist or are unnecessary that aren't adding any benefit to the environment or are causing a negative impact on the investment climate of our state.” [\(48:8-11\)](#)

**Commissioner Brune has requested the public to submit specific comment in defense of the existing regulations and statute related to oil spill prevention and response preparedness.**

“We're going to ask the public to look at the regs and offer their comments, based on what's currently in the regulations and what is in a c-plan, what's not in a c-plan, that's going to be up for the public to go through and look at them because we can't go through all of the different c-plans that we have and offer comment as to what is based in statute, what is based in regs and what is not. That's the input that we need to hear.” [\(5:20-6:2\)](#)

“It's going to be incredibly important from you on what are the things that are in there that are incredibly important. ... Be specific, much more specific than ‘c-plans are burdensome.’ ... We need more specificity.” [\(30:2-4](#) and [31:7-8, 13\)](#)

“I think as part of the scoping process, probably wise to be as generic as possible and throw it [all of Article 4] out there for whatever comments.” [\(41:23-25\)](#)

“If there's something that's more important to you than other things, that's more helpful than ‘the reg -- you know, the whole article is good,’ -- to me, that's going to be hard for me and our team to evaluate.” [\(43:12-16\)](#)

“You need to give justification.” [\(44:23-24\)](#)

PRINCE WILLIAM SOUND

REGIONAL CITIZENS ADVISORY COUNCIL BOARD MEETING (EXCERPT)

SEPTEMBER 19-20, 2019

1 CHAIR: All right. We'll get going again here.  
2 We're lucky enough to have the Commissioner of DEC here with  
3 us this afternoon, Jason Brune. I will turn the microphone  
4 over to you. Thank you for showing up.

5 COMM. JASON BRUNE: Thank you, Mr. Chairman.  
6 Members of the RCAC, it's an Honor again to be here. Are you  
7 able to hear me?

8 UNIDENTIFIED SPEAKER: Yup.

9 COMM. BRUNE: Excellent. So I very much appreciated  
10 the time and the questions when we met back in May and, as I  
11 said to you then and I'll repeat to you now, I look at the  
12 RCAC as a partner and your input is incredibly important to me  
13 and to my team. I have a great team that we've assembled and  
14 that have been here pre me that are, I think, doing a great  
15 job and -- but your input and your feedback and how we can do  
16 better is always appreciated.

17 When we talked last May, we talked about the  
18 potential C-plan revisions which were our -- I know of keen  
19 interest to the RCACs and we, as I committed at that point,  
20 are not sprinting to try to get this done. We are putting a  
21 process in place that's going to solicit public comment. The  
22 time line that we're looking at is a -- likely a 90-day  
23 comment period starting in October going through into January.  
24 If I had to guess -- and please don't hold me to this but  
25 October 15th to January 15th. We wanted to make sure that we

1 didn't solicit the comments from the public during fishing  
2 season when people are enjoying the outdoors. We wanted to  
3 also make sure that comments weren't going to be due during  
4 the Christmas and holiday season, New Year's season, so a nine  
5 -- likely a 90-day comment period for -- from a scoping  
6 process. So we're going to solicit comments from the public  
7 in the scoping process for 90 days.

8 At that point, our team is going to review the  
9 suggestions that come in as part of the scoping process and,  
10 as I indicated again back in May, some of the things in the --  
11 that have been added to C-plans over the years, as I said, I  
12 think that the C-plans have gotten -- and I know a lot of you  
13 disagree with me on this but they've gotten overly onerous and  
14 too large to the point that they're almost unusable documents.  
15 And so -- but some of the things that have been added over the  
16 time are actually really good things but there are no regs  
17 that support them and so I'm open to adding regulations. I'm  
18 open to, of course, looking at ones that we potentially could  
19 eliminate but the input during the scoping process is going to  
20 be incredibly important from the RCACs, from industry, from  
21 the conservation community and so that's looking like it's  
22 going to be opened up, like I said, October to January,  
23 October probably 15th until January 15th, and then from that  
24 point, my team will look at the suggestions that come in. We  
25 will at that point eventually propose regulatory changes and

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1 there will be another bite at the apple for the RCACs and the  
2 public to be able to make comments at that point to the  
3 proposed changes to the regulations if we come forward with  
4 them.

5 Couple of other things that I've talked with folks  
6 about today but I know it's of interest, we are working at DEC  
7 to implement new technology into the way we do business. We  
8 are trying to and I believe it was talked about this morning  
9 but I could be wrong -- someone indicated that it was --  
10 incorporating drones and the use of drones into our staff's  
11 use. It's -- we're just looking at it. We've got about five  
12 or six DEC staff that have completed or are in the process of  
13 completing their pilot trainings. We've acquired a couple of  
14 drones for use and we're looking at using that as part of our  
15 regulatory process. How we're going to use that, that's still  
16 in development but it's just one of the things that we're  
17 looking at is incorporating new technology when we can and so  
18 that's something that's coming down the pike and I think it's  
19 an exciting -- and I know our staff are excited about it and I  
20 know that the folks in the -- that I've talked to in the  
21 regulated community are actually excited about it.

22 With that, I'm going to open it up because I know  
23 there are a lot of questions and I'm happy to address  
24 questions or concerns you may have. Thanks for the  
25 opportunity, Mr. Chair, to give me some time on the agenda

1 today.

2 CHAIR: Thank you, Jason.

3 MS. EISEMANN: Here.

4 US: Thank you.

5 MS. EISEMANN: Here.

6 UNIDENTIFIED SPEAKER: Thank you. I got a quick  
7 question. You mentioned that there are some things in the C-  
8 plan that are not supported by legislation and is there going  
9 to be some kind of a document put out prior to the scoping  
10 process or during it where somebody can actually look and see  
11 that in a specific C-plan, there's something in place and that  
12 there is legislation that supports that and then what is  
13 actually in there at this time that legislation does not  
14 support. Is there some type of an informative document  
15 instead of just pouring through a C-plan that you may not be  
16 familiar with but you would know where to go and look?

17 COMM. BRUNE: Sure. What we're going to be open --  
18 opening up -- and I guess I didn't by -- Denise, if I don't  
19 answer this completely but we're actually looking at the regs.  
20 We're going to ask the public to look at the regs and offer  
21 their comments, based on what's currently in the regulations  
22 and what is in a C-plan, what's not in a C-plan, that's going  
23 to be up for the public to go through and look at them because  
24 we can't go through all of the different C-plans that we have  
25 and offer comment as to what is based in statute, what is

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1 based in regs and what is not. That's the input that we need  
2 to hear. We've heard it from a lot of folks that there are  
3 concerns about the size that the C-plans have grown to. Now  
4 it's up to folks to come and put their money where their mouth  
5 is and tell us where they feel they're at -- they have  
6 concerns and what needs to be done to address those concerns.  
7 I don't know if that -- I -- that's not giving you the answer  
8 you want or I'm not -- I don't think my staff is planning on  
9 putting something together that goes through a C-plan and says  
10 what in here is based in regs, what is based in statute and  
11 what has no basis. That was not the plan. It's something  
12 you're asking for though.

13 MS. EISEMANN: Well, I'm just concerned that we may  
14 have some things in the C-plans that have no basis in -- you  
15 know, something to back them up that they've actually -- for  
16 some reason have become part of the C-plan and some -- Linda.  
17 I'm sorry.

18 COMM. BRUNE: And this is where we need the input  
19 from industry.

20 MS. EISEMANN: From industry. So they're going to  
21 be responsible for --

22 COMM. BRUNE: For providing the feedback that we  
23 need and to consider that.

24 MS. EISEMANN: Okay.

25 COMM. BRUNE: That doesn't mean we're going to

1 consider it. It doesn't mean we're going to make those  
2 changes but we need -- if there are concerns that industry  
3 has, if there are concerns that the RCACs and the  
4 environmental community, we need to hear those --

5 MS. EISEMANN: Okay.

6 COMM. BRUNE: -- and this is -- we're using this as  
7 a multi-phased process so that we can get that feedback from  
8 the partners that are involved in making sure oil movement is  
9 done responsibly in this state --

10 MS. EISEMANN: Mm-hmm.

11 COMM. BRUNE: -- and that feedback is not just going  
12 to be from industry, it's going to be from all sorts of folks  
13 and we need that input to make sure that we're doing it right,  
14 that we're doing it in a cost effective manner, that we're  
15 doing it based on statute, that we're doing it in a way that's  
16 incorporating new technology --

17 MS. EISEMANN: Mm-hmm.

18 COMM. BRUNE: -- all sorts of things to make sure  
19 that we're best available technology out there and that we're  
20 leading the world in setting the standard for this but also  
21 we're not doing things that are unnecessary, that are burdens  
22 that really are not doing anything to promote safe movement of  
23 oil --

24 MS. EISEMANN: Mm-hmm.

25 COMM. BRUNE: -- that are -- and that are just

1 costing money and time but not adding any benefit to the  
2 process. Hope that helps.

3 MS. EISEMANN: That helps. Thank you.

4 CHAIR: Steve Lewis?

5 MR. LEWIS: Yeah, I'm -- Commissioner, thank you for  
6 coming. Appreciate you've taken the time to do it and your  
7 professed interest in our opinion here but I'm going to offer  
8 a -- an observation and a caution. We talk about C-plans and  
9 it occurs to us we're talking about tankers and terminals.  
10 There are a whole lot of other types of C-plans, drilling C-  
11 plans, et cetera, et cetera --

12 COMM. BRUNE: Mm-hmm.

13 MR. LEWIS: -- tank farms for schools, all of those  
14 sorts of C-plans. You're going to and you've asked for and I  
15 know you will be getting comment from this group which is well  
16 prepared and has the resources to look at this carefully and  
17 assist you by our comments and then looking at your proposed  
18 changes. A lot of those other C-plans are directed at groups  
19 who do not have an organized citizens' viewpoint supporting  
20 them. You're going to get comments from those focus areas  
21 from people who consider C-plans possibly a financial burden  
22 to their business bottom line. I know from personal  
23 experience in the drilling industry, I was told by my  
24 management more than once we will do what the regulations  
25 require, no more, no less, quote/unquote, literally.

1 I would hope that you look carefully at the source  
2 of the comments that come to you and consider the context from  
3 which those comments come and just a word of caution based on  
4 personal industry experience there. So thank you for your  
5 efforts on that.

6 COMM. BRUNE: Well, and I want to say thank you for  
7 that and I -- I've seen it already in my short time at DEC  
8 that when an area can try to get around a rule, they will, and  
9 the requirement for a C-plan is 420,000 gallons or more. It  
10 has been tried to have a 300,000-gallon and a 200,000-gallon  
11 site serving the same purpose but different sites. That's not  
12 appropriate and we have called them out in my short time at  
13 DEC. So I think you're on to something and I absolutely  
14 recognize that. Where these comments come will be appropriate  
15 but it's also important to make sure that we're not allowing  
16 folks to get around the requirements that we have in place for  
17 a reason. So thank you for that.

18 CHAIR: Linda Swiss.

19 MS. SWISS: I was just going to respond to what  
20 Jane's question was. In the contingency plan, every section  
21 in the contingency plan lists the regulation that it applies  
22 towards, just to clarify.

23 CHAIR: Thane?

24 MR. MILLER: Thank you, Mr. Brune. First on my list  
25 I had here is, you know, what is the process for this and you

1 laid that out very straightforward. Thank you. Do you expect  
2 that any changes will be primarily external drive, *i.e.*, from  
3 their public comment period, or does the Department have a  
4 list of changes they are looking at or are they going to come  
5 up with an internal list of changes? I guess is the  
6 Department going to come up with an internal list of changes,  
7 possible changes, or are they going to rely solely on external  
8 comments?

9 COMM. BRUNE: The answer is yes. We are -- we're  
10 going to do both. We have internal changes that have been  
11 proposed to me already but we're also looking for feedback  
12 from the public. So there are things that my team absolutely  
13 feels are worthy of considering for changes in the process but  
14 -- so we're going to -- it's important that I ask my team.  
15 They're the ones that are the experts on this that know what  
16 works, what doesn't and get their input but it's also  
17 important to get the input of the -- as I indicated, the  
18 regulated community, the environmental community, the RCACs  
19 and the partners that we have in this whole process to make  
20 sure that what we're putting together is right. So, yes, all  
21 of the above.

22 MR. MILLER: Okay. And another comment you had was  
23 that well, maybe some of the current regulations do not have a  
24 sound legal basis in legislation. I'm thinking that some of  
25 the organizations that have to comply with the regulations

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1 have the resources to protest regulations that they do not  
2 feel comply with the law and, as yet, we really haven't seen  
3 much of that.

4 And also I do want to caution that, you know,  
5 they're -- sometimes change is made to C-plans kind of  
6 unilaterally that significantly reduce response in the opinion  
7 of those affected but not in the opinion of the regulators or  
8 the people that have to comply. So however this is done, we  
9 want to be careful to avoid situations like we're currently in  
10 with the terminal C-plan and the cooperative negotiation for  
11 creating a solution to that problem.

12 And then, you know, I was not here -- actually, I  
13 was working for Andres at the last board meeting doing fishing  
14 vessel training and that sort of thing. So I was not here for  
15 that meeting. You know, I --

16 COMM. BRUNE: It was a very long grilling session  
17 and I don't see Bob Shavelson here but he had a really fun  
18 time with it.

19 MR. MILLER: Well --

20 COMM. BRUNE: Sorry for interrupting you.

21 MR. MILLER: -- I did read quite a lot about it and,  
22 you know, one thing I wanted to stress is that commerce is not  
23 in the name of your department and it's ADEC which is  
24 conservation, not commerce.

25 COMM. BRUNE: It is in our mission statement though.

1 MR. MILLER: It's not in your title and, you know,  
2 scientifically defensible is one of your three bullet points,  
3 is not the same as environmentally defensible and, as a  
4 commercial fisherman, my economics require the highest  
5 standards of protection. I'm your client. Andres is a really  
6 good guy and a neighbor but he's to me not your client when  
7 he's at work. When he's at home or on his boat or recreation,  
8 he'd absolutely -- and I'm sorry to point you out here, I'm  
9 just -- he's absolutely your client but your clients are the  
10 citizens of the State of Alaska and, you know, you do not work  
11 for the administration, you work for them. The administration  
12 hired you but the check comes from all of us. So, with that,  
13 that's all I have.

14 COMM. BRUNE: Well, I really appreciate those  
15 comments. One of the things I did say at the last meeting if  
16 you didn't hear it was that -- and I don't think that we  
17 disagree at all. We, as Alaskans, need to hold everyone to  
18 the highest standard and so often -- Andres's actually  
19 organization helps clean up things that have nothing to do  
20 with what they are involved in like fishing boats that are --  
21 that sink and that are spilling oil all over the place. We  
22 need to make sure we have the same high standards for all of  
23 us and that we are holding ourselves personally responsible,  
24 our local communities, industry, fishermen. Everyone needs to  
25 be held to that same standard and I am firmly of the opinion

1 that we all care for our environment, we all live here because  
2 we love Alaska and we need to make sure that the development  
3 that we're doing is done responsibly regardless if it's oil  
4 and gas, if it's mining, if it's the fishing industry. And so  
5 I think -- I don't think that we disagree at all but I think  
6 that we need to make sure that we hold ourselves to that  
7 personal environmental ethic as well for the impact we're  
8 having on the environment.

9 MR. MILLER: At the risk of inciting argument, I  
10 can't disagree with that.

11 CHAIR: Wayne Donaldson.

12 MR. DONALDSON: Thank you, Mr. Chair. I don't fully  
13 understand the process and maybe -- I wrote down a few things  
14 maybe you could help clarify but you hope to start a 90-day  
15 scoping process in October, maybe, and run through January.  
16 That's just a scoping process. That's on the existing C-plans  
17 or on existing regulations?

18 COMM. BRUNE: Correct, on the existing regulations.

19 MR. DONALDSON: Regulations?

20 COMM. BRUNE: Correct.

21 MR. DONALDSON: Are there any statutes that DEC  
22 tends to -- you think will amend or maybe propose due or take  
23 away statutes as part of the process?

24 COMM. BRUNE: Right now, there is nothing in the  
25 pre-filed bills that we are working on that has anything to do



1 with C-plans so, no, that is not currently under  
2 consideration. However, I am going to say that there is  
3 feedback that addresses the regs. I absolutely will consider  
4 -- or the statutes. I will absolutely consider that as well.

5 MR. DONALDSON: So the scoping process is to  
6 identify regulations that maybe are burdensome. That -- is  
7 that right or (indiscernible)?

8 COMM. BRUNE: It's to identify concerns or -- and  
9 address the regs that are in place, whether they're burdensome  
10 or whether they're not sufficient enough.

11 MR. DONALDSON: And you also indicated maybe some of  
12 the regs are not based -- are not supported by a statute. Is  
13 that correct?

14 COMM. BRUNE: What I said was some of what's in C-  
15 plans are not based on the regs or -- and the regs are based  
16 on statute.

17 MR. DONALDSON: So if we have this public scoping  
18 process for three months, then what's the next step?

19 COMM. BRUNE: The next step will be my team will  
20 evaluate the comments that they have received from the public.  
21 They will look at those along with their proposed -- what --  
22 the things that they see could be changed. We'll then propose  
23 a regulatory process for changing those regs, if appropriate,  
24 and then there will be another public comment period, as is  
25 required, for input on proposed reg changes.

1 MR. DONALDSON: And that public comment period of  
2 proposed changes might be how long?

3 COMM. BRUNE: I mean, I would imagine it would be  
4 probably -- I mean, I think you're required 30 days at a  
5 minimum but it'll probably be longer than that but -- and I  
6 don't know when that will be, if we get one comment or no  
7 comments. Maybe everyone's happy with the status quo. I  
8 don't anticipate that will be the case but if we get a lot of  
9 comments, I'm not going to say we're going to be out in  
10 February with our proposed reg changes because if there are  
11 all sorts of comments, I want to make sure we evaluate the  
12 comments in the scoping process appropriately, that we give  
13 them all their fair consideration and then we will come out at  
14 some point, I imagine it will be in 2020 but I don't want to  
15 give a specific time line as to when those reg changes will be  
16 out there for public comment.

17 MR. DONALDSON: And all this is done under the  
18 Administrative Procedures Act, is that correct?

19 COMM. BRUNE: I believe the Administrative  
20 Procedures Act is a federal act.

21 MR. DONALDSON: Okay.

22 COMM. BRUNE: This is -- I don't know what it falls  
23 under but it's a state process for regulatory changes.

24 MR. DONALDSON: And a --

25 COMM. BRUNE: Now, the scoping process is not a

1 required process. That's something I wanted to add in after I  
2 had the feedback from the RCACs and from other folks to make  
3 sure that we are giving the fair opportunity to provide their  
4 comment. Give us the things you love, the things you don't  
5 love and we'll consider those comments before we put any  
6 regulatory changes forward.

7 MR. DONALDSON: And any regulatory changes, are  
8 those solely under your purview to change?

9 COMM. BRUNE: Ultimately, the lieutenant governor  
10 and the Department of Law sign off on regulatory changes that  
11 come from any department in the state. So I'd say the answer  
12 is no, it's not just under my purview.

13 MR. DONALDSON: But you would be the one that would  
14 be making that recommendation for them to sign off?

15 COMM. BRUNE: Correct.

16 MR. DONALDSON: Okay. Thank you.

17 CHAIR: Kirk?

18 MR. ZINCK: You said you're getting concerns from a  
19 lot of folks.

20 COMM. BRUNE: I'm sorry, I can't hear you.

21 MR. ZINCK: I'm sorry. You're getting concern from  
22 a lot of folks. Who is it that you're predominantly getting  
23 concerns from?

24 COMM. BRUNE: Well, I think there were a number of  
25 comments that were made as part of the portal in the process

1 prior when Governor Du -- elect Dunleavy was soliciting  
2 comments from the public that came forward and those are all  
3 on the record. I also have had a lot of informal  
4 conversations with people. I'm not going to throw them under  
5 the bus but those comments will absolutely be fully  
6 discloseable during this process if they want to put their  
7 money where their mouth is and come forward with comments  
8 during the scoping process. So it'll be very transparent to  
9 the RCACs and the rest of the public who those comments were  
10 coming from.

11 MR. ZINCK: I'm wondering if you're getting comments  
12 from industry or you're getting comments from citizens.

13 COMM. BRUNE: Yes.

14 MR. ZINCK: Okay. Which one predominates?

15 COMM. BRUNE: I mean, of course, a lot of them came  
16 from industry.

17 MR. ZINCK: Okay. Thank you.

18 COMM. BRUNE: Yup.

19 CHAIR: Robert Beedle.

20 MR. BEEDLE: Yeah, just some concerns. It seems  
21 like -- I mean, a C-plan review, essentially, I mean, you're  
22 looking at regs and it's a lot to do with C-plans so we're  
23 going to do C-plan reviews. Are they -- you know, I mean, we  
24 have a cycle for that anyway. I mean, there's a process that  
25 they go through and they get to what's good, what's bad.

1 Industry puts their thing -- I mean, there's a time schedule.  
2 It seems like you're just going to take everything all at once  
3 and you're going to eat the whole elephant at once. I mean,  
4 it seems like an awful big undertaking to ask industry and  
5 private citizens which, you know, I don't have time for this,  
6 I can't go receive plans and I don't even know if I can get  
7 them and become an expert on regulations. It's -- that's why  
8 I have you but then I also wonder too is with this big load  
9 that you're proposing on the Department staff time, you got  
10 some extra funding or extra -- you know, are you going to  
11 expand? What's -- I mean, we -- everybody's been cut and  
12 we've been told there's going to be an additional cuts coming.  
13 How are you going to be effective on your day-to-day stuff now  
14 if you're taking on all this burden? It seems a pretty heroic  
15 -- it's okay, go ahead and throw some more on. I mean, what  
16 about staff? Do you -- I mean, do you have more people?  
17 What's -- and then are you going to help educate me to be up  
18 to standard on all these regs with the rest of my staff? I  
19 don't know.

20 So do you have extra staff coming on or -- to deal  
21 with this or --

22 COMM. BRUNE: We don't have extra staff coming on  
23 but I think it's important for every single regulation that we  
24 have in place across the state, across the country, that we  
25 are constantly evaluating those regulations to make sure that

1 they are appropriate and, likely, there will be efficiencies  
2 that are found and if they're not, if there are additional  
3 things that we need to do, I will then go before the  
4 legislature and ask for more staff to accommodate those but we  
5 have a responsibility to make sure that our regs are not  
6 getting stale. We have to. If we don't do that, if we rely  
7 on 30-year-old, 40-year-old regulations -- and, like I said, I  
8 haven't made any commitments that there are going to be huge  
9 changes. I've heard a lot of folks say they want huge  
10 changes. We're providing that opportunity for folks to put  
11 those recommendations for changes on the record in the scoping  
12 process and I am fully confident that my team can evaluate  
13 those proposals that come in and if we make regulatory changes  
14 after that, we'll accommodate that at the time but I don't see  
15 -- I mean, this is part of their job to make sure that our  
16 regs are reviewed on a regular basis and solicit feedback from  
17 the public.

18 Denise, do you want to add something?

19 MR. BEEDLE: I feel that that's already there. You  
20 know, we have a cycle that we can plan and be ready and able  
21 to -- I mean, a scoping process, October 15th now, we're going  
22 to -- oh, great, now the burden's on a volunteer organization  
23 to help and do their part so -- anyway, I'm a little  
24 disappointed in the -- there's already cycles for exactly what  
25 you say there to all of a sudden eat the elephant in one bite

1       instead of lots of bites.

2                   And then just so I don't take up too much more time  
3       is I do take offense to I'm going to be held, fishermen are  
4       going to be held to the same standard as the oil industry.  
5       You know, I could have a total major catastrophe with my  
6       vessel. I could sink it right in the harbor and just -- where  
7       everybody can see it and we've seen pictures of where a  
8       minimal spill in Valdez with a oil company, it's crude oil.  
9       It's toxic waste. To hold the same standard, I imagine  
10      there's rules and stuff for pollution. I have to have  
11      pollution insurance. Yes, I have to clean it up. I am  
12      responsible for mine but to say that we're all held to the  
13      same standard, that's like a kid should know how to do  
14      something that an adult does and hold them to the same  
15      standard. So I hope you can -- you know, levels of damage  
16      that could happen out in a -- instead of a one size fits all  
17      and we're going forward. So please --

18                   COMM. BRUNE: I understand your point. I don't  
19      think I -- if I said that it was one size fits all, that was  
20      not what I intended. I was saying that --

21                   MR. BEEDLE: We're all held to the same standard  
22      that (indiscernible) is.

23                   COMM. BRUNE: -- regardless, we should make sure  
24      that we are taking care of our environment, that we are  
25      treating our environment in a way that is respectful, we're

1 not having a rainbow sheen that comes after at the back of our  
2 vessels every time we're departing the harbor -- and I can  
3 tell you every single time I've gone on a trip on a boat, on a  
4 fishing boat, I've seen that sheen. We need to make sure that  
5 we're holding ourselves to a high standard acro -- and so  
6 that's our individual environmental ethic and our individual  
7 responsibility. Are you -- are fishing boats the same as the  
8 oil industry? Absolutely not. I get your point. I -- but we  
9 should make sure we're all individually taking care of our  
10 environment and making sure that we're not allowing those  
11 sheens to be at the back of our boat. It's just great care  
12 for the environment. You can't hold yourself to a standard  
13 that's not comparable to the standard you expect others to be  
14 at.

15 MR. BEEDLE: To that I would say stay away from  
16 those boats. I know that I'm held to a lot higher standard  
17 than I was years ago. My engine has to be -- with a new keel  
18 laid (ph), I have to -- now I'd have to go to a Tier 4. I do  
19 have a Tier 3 engine in it. That big cloud of smoke that the  
20 old Bobos (ph) had and stuff, it's a rare, rare occasion. I  
21 can fire my boat up, it's got the electronic controls on it  
22 and stuff. I am held to a way higher standard.

23 COMM. BRUNE: Awesome.

24 MR. BEEDLE: With the help of Alyeska and SERVS with  
25 their safety conscience that -- as responders that -- it's



1 becoming our culture too so I say that, yes, we are being held  
2 and we are complying to it.

3 COMM. BRUNE: Awesome.

4 MR. BEEDLE: For us, it's a fuel savings. I am  
5 worried about my carbon footprint. That's where I make my  
6 living in life. I don't want to mess my own bed. So --

7 COMM. BRUNE: Thank you.

8 MR. BEEDLE: -- I just --

9 COMM. BRUNE: Thank you. I -- and that's -- I love  
10 that ethic.

11 MR. BEEDLE: It -- it's pretty --

12 COMM. BRUNE: Did you want to say --

13 MR. BEEDLE: It's common though in the industry for  
14 --

15 MS. KOCH: Yes, I was just going to add into I think  
16 the comment about sort of eating the whole elephant all at  
17 once and some of the resource constraints and concerns that  
18 you had brought up, so just in SPAR and in PPR, in particular,  
19 we do have a group that looks at policies and regulations. So  
20 we do have a group within -- so we have resources internally  
21 to do that work. What I could potentially see happening --  
22 and I think the Commissioner had mentioned this as well -- is  
23 we, of course, don't know exactly how many comments we're  
24 going to get, how in depth they're going to be, the full  
25 spectrum of the comments that we'll receive. It could be that

1 we have to sort of take things in smaller chunks. There's the  
2 potential that after we have the scoping process which, as the  
3 Commissioner mentioned, is not a required process, it's just  
4 an addition -- it doesn't replace the formal regulatory  
5 process, it just comes before the formal regulatory process.  
6 We get comments. We could wind up in a situation where if we  
7 have a lot of comments or pretty disparate comments on  
8 particular items, we could have work sessions where -- so the  
9 scoping process could end. We could then -- DEC's going to  
10 huddle sort of internally and look at and evaluate all the  
11 comments that we receive. We could have focused work sessions  
12 on particular sections of the regulations. I can't say  
13 exactly what that would be because that's all depending on the  
14 type of comment that we receive and then we could go to the  
15 next step which would be a formal process, our formal  
16 regulatory process, which includes another comment period.  
17 And we might -- we may or may not -- you know, we might break  
18 things into multiple reg packages. That happens sometimes  
19 depending on the breadth of what you have.

20 COMM. BRUNE: And a couple of things. First of all,  
21 Craig just let me know -- and this is in answer to your  
22 question earlier -- that, indeed, Alaska Statute 44.62.00 is  
23 the Administrative Procedures Act in Alaska Statute so thank  
24 you for that. So it is -- it does fall under that and, just  
25 as a follow-up to Denise, I want to make sure that we're clear

1 that the process that we've outlined, she's right, we may have  
2 work sessions, we may not. Those are not being committed to  
3 today. It'll depend on what we get as far as feedback during  
4 this scoping process.

5 CHAIR: Donna.

6 COMM. BRUNE: Thank you.

7 MS. SCHANTZ: Well, thank you. I appreciate the  
8 information and I appreciate hearing that there'll be, you  
9 know, a 90-day public comment for the scoping. That's really  
10 helpful. I would like to ask and request that there be a very  
11 strong stakeholder process after the public scoping and, you  
12 know, at least as long as a comment period. I'm encouraged to  
13 hear that you may consider these focus work sessions. That  
14 would be really helpful and part of why I'm asking for that  
15 is, you know, the C-plan regulations are very long, you know,  
16 but they cover so many different operations and that's why  
17 they're so long. We cover the response planning standards  
18 for, you know, crude tankers and non-crude tankers and barges  
19 and terminals and production and exploration and railroad  
20 cars. So we haven't gotten, really, any kind of indication or  
21 detail other than these broad statements of, you know, they  
22 may be too onerous or too burdensome or they're stale. So  
23 it's really hard for us to really even know where this is  
24 headed. So it would be really helpful and we really  
25 appreciate as much time and information and public process as

1 possible. You know, once you've analyzed all the comments and  
2 incorporated your own, I -- you know, changes that you'd like  
3 to make, please, if you can, you know, have a strong  
4 stakeholder process and time for folks to engage and provide  
5 feedback on that, we would appreciate it.

6 COMM. BRUNE: I -- that's always been part of my  
7 ethic as well is engaging with the public and, absolutely, I  
8 think there will be a -- it's imperative that we reach out and  
9 have detailed discussions with stakeholders as part of this  
10 process and it's one of the reasons I'm here today. So I'll  
11 continue to be here.

12 CHAIR: Amanda?

13 MS. BAUER: Well, I hesitated whether or not to  
14 speak just because I hate doing it, especially when it's  
15 things that are near and dear to me but first I want to say  
16 about the staleness of the regulations. You know, it's kind  
17 of a -- the argument against that is nothing has happened  
18 since the Exxon Valdez. It's been too tragic so it may be old  
19 at times but, you know, they're still working at this point  
20 but I think what I speak -- what I want to speak about is that  
21 I have a little different idea when you say the word burden or  
22 burdensome, you know, immediately what comes to my mind is  
23 what would be the -- what would be on a poster for that. Is  
24 that people losing their subsistence areas to feed in? Is  
25 that me taking people out to take photos of dead whales

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1 instead of breaching whales, you know? Those are my kind of  
2 burdens and I think if I had to pick one, I'd probably pick  
3 it's an orca, AT-6. He is the last of his immediate family.  
4 They swam behind the Exxon Valdez. A famous photo of that was  
5 taken. He travels alone. He spends his whole life alone  
6 every single day and he's going to die alone as well and he's  
7 carried that burden now for just under 30 years and, you know,  
8 arguably, one of the most genetically distinct species on the  
9 planet and, certainly, one of the most social. When you see  
10 him, when you're lucky enough to see him, it just crushes your  
11 soul. I mean, he's just all by himself and usually you'll get  
12 to show people big groups of orcas but, instead, you have to  
13 see this one and explain to them why he's by himself and  
14 what's going to happen to him and it's just that burden  
15 afterwards that I ask you to just keep in mind because no one  
16 gets to come forth after it's happened and said hey, I don't  
17 want this burden that's happening to us. And so I would just  
18 ask you to keep that in mind as well. So thank you.

19 COMM. BRUNE: I appreciate those comments and I want  
20 to remind the RCAC that I came up here as a biologist. I  
21 worked on oiled sea otters. I worked with Jim Bodkin, Brenda  
22 Belacci (ph). I got to boil sea otter skulls in the lab at  
23 the U.S. Fish and Wildlife Service on Tudor. I'll never  
24 forget that smell. I'll never forget the -- looking at the  
25 dead otters. I served on the Exxon Valdez Oil Spill Trustee

1 Council Public Advisory Committee for the better part of a  
2 decade. I've seen the lingering oil. I've seen the impacted  
3 species. I now currently serve on the Trustee Council for the  
4 Exxon Valdez oil spill. I understand what you're saying.  
5 I've seen it. It's part of what made me what I am today. We  
6 need to make sure something like that never happens again.  
7 That's why I take the role that I have as DEC commissioner  
8 incredibly seriously. I am not about just undoing regulations  
9 so that industry can get a get out of jail free card. It's  
10 part of who I am to make sure that -- and I know it's part of  
11 who they are as well to make sure that safe movement of oil is  
12 done responsibly, that they have precautions that are in place  
13 to make sure that we never have something like that happen  
14 again and so I appreciate your comments and please know that  
15 they are part of me as well. And I thank you for those words.

16 MS. BAUER: Thank you.

17 CHAIR: Craig, did you have something?

18 MR. ZIOLKOWSKI: Yeah. Thank you, Mr. Archibald.  
19 Excuse me. I just wanted to note to the group that  
20 specifically within SPAR, we have people that are regulation  
21 specialists and we have a regulation and guidance group that  
22 will help us navigate this process. That's what they're here  
23 for. That's what they do. That's their day-to-day mission,  
24 just like I'm here as a liaison from the Department to the  
25 Council. We have those ex -- that expertise in house and

1 we're going to lean on them and their experiences.

2 We do reg packages not all the time but we do do reg  
3 package changes regulatory as our course of business and so  
4 this is just another part of us doing what we do as a  
5 department. So it's a little bit broader scope, yes, but we  
6 do have that capacity in house for a lot of this.

7 COMM. BRUNE: Thank you, Craig.

8 CHAIR: Thanks for that. Steve Lewis?

9 UNIDENTIFIED SPEAKER: He left the battle.

10 CHAIR: Oh. Jim Herbert.

11 MR. HERBERT: Thanks. I want to pass along  
12 something that Denise shared with me in Homer at the Cook  
13 Inlet Regional Advisory Committee and that's that they're  
14 looking for very specific comments. I tend to go on in broad  
15 generalities but I think what will be most useful to their  
16 process is to really focus on very specific things so I just  
17 wanted to pass that along.

18 And at the risk of getting sideways with my brother  
19 Thane over there, economics is in the mission statement of the  
20 DEC. It is not the only thing -- okay -- and one thing that I  
21 still recall from your previous visit is that you said you  
22 want folks to know that Alaska is open for business which is  
23 fine but we also know that Alaskans value and protect both our  
24 people, our wildlife and our environment and you've reiterated  
25 that and I personally and I think everyone here would agree

1 that we need to be aware of the dangers of dismantling any of  
2 the protections that have been put in place for things  
3 important to us. Thank you.

4 COMM. BRUNE: Thank you.

5 MS. KOCH: Jim, thank you for that. That is -- that  
6 point is -- as a regulator, that is really important to get as  
7 specific comments. I've been saying that to -- I mean, of  
8 course, having lots of side conversations with the Cook Inlet  
9 RCAC and with anyone that I talk to about this. The more  
10 specific that you can be in your comments as to what's working  
11 or what's not working, I think it's -- the other part of Jim  
12 and my conversation that we had is if there are -- I think  
13 sometimes people will -- it's sort of the natural human  
14 nature, when you don't like something, you sort of jump right  
15 to that piece and you talk about that and that is important.  
16 If there are also particular elements that you think are  
17 working just perfectly or are particularly important, you  
18 know, I think all of that comment is useful.

19 COMM. BRUNE: And, Jim, I think what I thought of  
20 when you made your statement was the generality that had been  
21 given to me by a lot of folks from industry was that every new  
22 C-plan takes a previous C-plan either from that area or from a  
23 different area and then just adds to it and adds to it and  
24 adds to it. Now they needed to say -- put their money where  
25 their mouth is and say what of that is not appropriate in



1 their minds. And so the specificity is going to be incredibly  
2 important from industry. It's also going to be incredibly  
3 important from you on what are the things that are in there  
4 that are incredibly important. I think it's import -- and  
5 that's probably -- I know I'll get from some of you  
6 everything. So I understand that but I think that specificity  
7 is going to be a lot more important to -- coming from industry  
8 but thank you for your comments, Jim.

9 CHAIR: Mako Haggerty.

10 MR. HAGGERTY: Let's talk about specificity because  
11 it's all been in kind of vagaries and generalities. Is there  
12 a regulation that you've been made aware of that is burdensome  
13 and could you clue us in on what that one is?

14 COMM. BRUNE: I will say -- I'm going to get a get  
15 out of jail free card on that one and say the -- if you look  
16 at the comments that were submitted as part of the transition  
17 team, C-plans were talked about in generalities and so I would  
18 say no. I would say that there are ones that I've seen that  
19 my team has pointed out to me, that my deputy commissioner has  
20 pointed out to me but, I mean, I don't want to say that there  
21 is specifics. I'm looking for that specificity in the  
22 comments as part of the scoping process.

23 MS. KOCH: I was going to add on and say that's  
24 really why we started with the scoping process, because we  
25 don't -- and we don't have -- it's not like we have some draft

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1 regs sort of that we have -- that I have in my drawer with  
2 that level of specificity. We really don't have that. We've  
3 heard -- I've also heard some of these concerns but they have  
4 been pretty general. So I've said what I -- the conversation  
5 that I've had with Jim I've also had with industry which is  
6 this is the ob -- that scoping per -- process is the  
7 opportunity to be specific, much more specific than C-plan are  
8 burdensome because as -- I can tell you, as a regulator who  
9 will have to go back and do something with these comments,  
10 that's really -- that's almost -- it's not particularly  
11 valuable to get that --

12 COMM. BRUNE: It's a worthless comment. I'll say  
13 it. We need more specificity.

14 MS. KOCH: We -- so that -- that's why we're having  
15 this scoping process, so that people can be more specific and,  
16 like we said, it's only additional pro -- public process.  
17 It's not taking away from the required public process that  
18 we'd have when any reg package went out.

19 CHAIR: Bob Shavelson.

20 COMM. BRUNE: Oh, Bob is here. I didn't see Bob.

21 MS. KOCH: He was missing you, Bob.

22 MR. SHAVELSON: You were supposed to be here at  
23 1:00. I was a little late. I apologize but thank you for  
24 coming, Commissioner. Yeah, obviously, I have some opinions  
25 on this issue and, you know, in the past 25 years, I've been

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1 working on environmental issues in Alaska and before that  
2 elsewhere and whenever I hear the term efficiencies, it's just  
3 code for rollbacks. Okay? It's as simple as that and, you  
4 know, you're being fairly opaque. You know, you're playing  
5 around, you're dancing around these things. We don't know  
6 what these actual concerns are. You did go to the Resource  
7 Development Council and asked them very openly what can we do  
8 for you, what can we do to change the rules to make things  
9 less burdensome. So it's all about the bottom line. It's  
10 about profit but I think it's important to represent I don't  
11 think these oil companies are doing that bad. You know,  
12 they're doing okay. Especially in a time when we've got  
13 limited budgets and limited time to look at these things, why  
14 are we looking here?

15           And I did go back after the last meeting because you  
16 said that you spoke to some environmental groups and I went  
17 around and talked to all the environmental groups in the state  
18 that work on this stuff and nobody expressed a concern with  
19 the C-plan rules and maybe I don't have the secret decoder  
20 ring but that was not made apparent to me. So, again, I think  
21 this is being driven from an industry perspective and it's  
22 about money and it's about rolling things back. So I look at  
23 the mission of the organization and, you know, all I've seen  
24 under this administration is what I would term as rollbacks.  
25 I see, you know, vast rollbacks on drinking water protection

1 for families across the state, you know, pulling the carpet  
2 out from under the Ocean Rangers Program which funds itself.  
3 You know, that was just amazing to me and this is something  
4 that was -- in 2006, was part of the voter initiative that  
5 Alaskans approved.

6 But I guess if there's a gorilla in the room -- and  
7 I mentioned it before but it's climate change. You know,  
8 Alaska just had the hottest summer on record. My organization  
9 measured a temperature 81 degrees in the Deshka River in Cook  
10 Inlet which is fatal for salmon. We had stories from Bristol  
11 Bay where there were thermal barriers and fish couldn't get up  
12 so there was no escapement so they couldn't open the fishery  
13 so fishermen sat on fish for 10 days. I could go on and on.  
14 You know, recently, NOAA came out and said the warm blob is  
15 coming back as strong or worse. So we're seeing radical  
16 changes here faster than any place else in the United States,  
17 certainly, and here we are going back to look at the spill  
18 plan rules? You know, these rules have been revised nine  
19 times since they were adopted. Okay. I don't think they're  
20 stale. I think everybody that can -- is concerned about oil  
21 in the water thinks that they're working.

22 So my question -- it takes me a little bit of time  
23 to get to -- is what are your thoughts on enhancing these  
24 protections? How do we make it better? And I don't, please,  
25 want to hear that you're -- we're going to try to equate

1 apples and oranges here by saying we need to bring fishing  
2 boats up to the same standard because, as I said last time, if  
3 a tanker goes down, I don't care if every fishing boat in  
4 Prince William Sound went down, it would not have the same  
5 impact. So, anyway, what are your thoughts on how we make  
6 these rules stronger and better to protect water quality in  
7 the family that rely on the fisheries here?

8 COMM. BRUNE: Good to see you, Bob, here.

9 MR. SHAVELSON: Thank you.

10 COMM. BRUNE: I -- a lot to digest with that missive  
11 and the ultimate question I have said to you on the record, to  
12 other people, I look forward to hearing what -- because a lot  
13 of things that are in the C-plans that aren't based in  
14 statute, are based in regs, are good and we should incorporate  
15 those into the regs and I am not opposed to doing that. Bob,  
16 this is not just about the bottom line. This is about -- and  
17 efficiencies aren't always about the bottom line. It's about  
18 making sure that we're using best available technology to be  
19 able to do what we need to do for safe movement of oil. If  
20 that comes with reduced costs, fantastic. I have had my  
21 travel budget, for example, cut 50 percent. Every department  
22 had their travel budgets cut 50 percent. We're looking at DEC  
23 not just from a SPAR perspective but we're looking at  
24 incorporating technology. I talked about drones. We're  
25 looking at using for an -- doing more inspections using Face

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1 Time or using digital means. I don't know, that's not  
2 specific to your question here but we have to use technology  
3 and try to -- in a -- in an environment where we had a \$1.6  
4 billion deficit going into the year, we have to make sure that  
5 we're spending Alaska's money appropriately and doing it in a  
6 way that's going to encourage investment in the state and it's  
7 appropriate to look at the requirements that are a part of C-  
8 plans.

9 I've seen folks rip on other regulations or laws  
10 that haven't been updated since 1870 as not being appropriate.  
11 I want to make sure that that's not part of what we're doing  
12 and if the feedback that we ultimately get, Bob, as part of  
13 this process does not show any reason for change, we won't  
14 change it.

15 Now, with respect to drinking water rollbacks, I  
16 wish I knew what those were because I have done nothing to  
17 impact drinking water rollbacks in the State of Alaska. We  
18 can talk about that off line. Ocean Rangers, that --

19 MR. SHAVELSON: (Indiscernible).

20 COMM. BRUNE: Okay. Well, we are working very  
21 closely with the EPA on that issue. The EPA has set lifetime  
22 health advisories for PFOS and PFOA and we are in line with  
23 the federal requirements on that. In fact, we are better than  
24 the federal requirements on that.

25 With respect to the Ocean Rangers Program, I have

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1 committed on the record that we will develop a program that is  
2 better than what we currently have and we are working to do  
3 that and I've committed on the record that there will be  
4 legislation that is put forward that will be a new and  
5 improved program for observing and -- the cruise ship  
6 industry. It will not involve giving people paid vacations  
7 from Florida to come and breathe over the neck of a captain or  
8 an environmental engineer. That is not doing anything to  
9 improve the environment.

10 What I do have as a goal of that is the community of  
11 Ketchikan, for example, can discharge 1.5 million fecal  
12 coliform per 100 milliliters of water. The cruise industry  
13 can discharge 40 fecal coliform per 100 milliliters of water.  
14 What that said to me is we should work on improving the  
15 wastewater discharge from the communities that cruise ships  
16 visit. So I'm going to be proposing using some of that money  
17 to help upgrade the community wastewater discharge plants in  
18 those communities that cruise ships visit. That is ultimately  
19 improving the environment. That is not allowing someone a fun  
20 vacation to get paid on. That is an example and I'm not --  
21 that's not rolling back regulations, that's doing things that  
22 actually improve the environment. That's what I'm about.

23 As far as climate change, Bob, I understand your  
24 point. I get it. I am not a climate change denier at all.  
25 If there are things Alaska can and should be doing that can

1 move the needle worldwide, I have long been supportive of that  
2 and I can only say stopping industry in this state, the  
3 industry that drives our economy, that's not a solution that  
4 I'm willing to consider. Now, should we be doing things more  
5 efficiently? Should we have photo -- or using more  
6 electricity and bulbs that are using less electricity?  
7 Absolutely. Should we be doing everything in our own power to  
8 reduce our own carbon footprint? Absolutely. Should we be  
9 eliminating the industry that is the life blood of our  
10 economy? No. I don't support that.

11 MR. SHAVELSON: Let me just respond to that quickly  
12 and say I hope you'll come up with the legislation quickly  
13 because I'm not sure how much time you're going to have. But  
14 on the climate front, I just want to -- and there's many  
15 things I could refine to it. The only thing I want to do is  
16 say that the argument that for us to take action in Alaska  
17 requires some type of global significance, that's like saying  
18 I shouldn't dump my plastic in the ocean because I don't think  
19 it's going to make much of a change worldwide. I think it's  
20 actually a disingenuous argument and we have to stop using it  
21 because we're all going to be responsible and it's going to  
22 take a collective effort and it starts here in a state that  
23 produces the fossil fuels that are driving the greenhouse gas  
24 problems. So I hope you, as the commissioner, will stop using  
25 that argument because it's a convenient out and right now, we



1 don't have any room for that out. So thank you.

2 COMM. BRUNE: To your first point, I got three years  
3 and three more months left and I don't see anything changing  
4 that. I know you may but I don't see any impact to my boss or  
5 me happening and I'm excited to work for Governor Dunleavy and  
6 I'm excited to be about -- a part of this administration.

7 As far -- your point about climate change, it's a  
8 fair point, Bob. I think we need to come together with other  
9 jurisdictions. We need to work closely with China. We need  
10 to work with India. We need to work with the folks that are  
11 having significant impacts. I understand the point about  
12 needing to be leaders and not just do nothing. It's a fair  
13 point, Bob. I think we are doing our share on -- in this  
14 state. If you were to look at the carbon footprint of Alaska  
15 compared to what it used to be decades ago, we're in a better  
16 spot. So we're making sure that we are having less of a  
17 carbon footprint but your points are well said and I always  
18 appreciate your feedback and continuous dialog. Bob does text  
19 me on a regular basis telling me he can't wait until I do  
20 something good. I feel like I am doing things that are good  
21 and I look forward to the feedback from each of you to help me  
22 do things even better.

23 CHAIR: Any further questions for the -- Wayne.

24 MR. DONALDSON: Is -- does the Prince William Sound  
25 RCAC, does it have any regulatory standing or advisory

1 standing with the Department of Environmental Conservation?

2 MS. KOCH: In terms of the public scoping process, I  
3 think all the comments are essentially going to have equal  
4 standing. Comments from the public, comments from industry,  
5 comments from RCACs, comments from NGOs, there's not a  
6 particular order in standing.

7 MR. DONALDSON: But it -- just I'm going to throw  
8 this out there, the -- this is sort of a wish list but  
9 Congress, you know, recognized that -- in the Oil Pollution  
10 Act of 1990 that the local citizens needed a stronger voice in  
11 the process and passed laws to that effect. I'm not sure that  
12 the state ever, you know, recognized the same thing and maybe  
13 -- as you go through the contingency plans and revising  
14 regulations, maybe we need a regulation in there that gives a  
15 little bit more advisor -- this group could be recognized as  
16 an official advisory group to the citizens that live in the  
17 oil spill region, you know, so that we've got, you know, a  
18 stronger voice than just another public group. We've been  
19 recognized by the federal government that way. It'd be nice  
20 if we were recognized by the state as well.

21 COMM. BRUNE: So under OPA 90, obviously, the RCACs  
22 were formed so I recognize the importance I will say. This is  
23 the second time I'm here. I view the RCACs as incredibly  
24 important and the advice and the feedback that I get from you  
25 I listened to very closely and I will continue to regardless

1 if there's a formal relationship, regulatory or not. I will  
2 be here and I will listen to that.

3 MR. DONALDSON: All right. It'd be nice though if  
4 we had more of a formal recognition --

5 COMM. BRUNE: That's a -- it's a fair comment.

6 MR. DONALDSON: -- you know, as part of the -- if  
7 we're going to dig into the regulations and see what works and  
8 what doesn't, people around this table represent all the  
9 citizens in the oil spill region and to have more of a  
10 recognized voice in the state process would be nice.

11 CHAIR: So the executive director here has a comment  
12 on that.

13 MS. SCHANTZ: Just to respond, it's not really what  
14 Wayne's talking about but the RCACs are named in the  
15 regulations because we're a named reviewer of C-plans which  
16 gives us a little bit higher standing or at least mention than  
17 just general public but that section of the regs is not, is my  
18 -- I understand it, is not included in this current initiative  
19 to reform the regs. It's -- I think it's just [18 A.A.C. 75]  
20 the 425 and 445 that you're looking at right now, sections of  
21 the regs, and in that section where we're named is not in one  
22 of those two sections. But we're at least -- we are included.  
23 I guess I just wanted to point that out, the RCACs are  
24 included in the regs as a named reviewer for C-plans if that  
25 helps you.

1 MR. DONALDSON: Because what I was kind of thinking  
2 of is in the Department of Fish and Game and the Board of  
3 Fisheries process, there are advisory committees that are  
4 formed by community and they have a special place in the Board  
5 of Fisheries' public review process and, you know, they don't  
6 need to take their word -- or their advice but they're  
7 recognized as the -- a very good voice for the community.

8 COMM. BRUNE: Great point.

9 MS. KOCH: And that -- I wa -- this is some -- a  
10 good opportunity for feedback because even internally, we had  
11 talked about -- and maybe it goes back to that -- you know,  
12 the bite of the -- the bite at the elephant sort of comment --  
13 how broadly do we -- do we open the whole article? Do we open  
14 all of Article 4? Do we open just the application and  
15 approval section and which regs do we open? My inclination,  
16 honestly, was just to open all of Article 4 because I don't  
17 want to assume which sections -- you know, it's part of like  
18 getting the specificity back. I don't want to assume which  
19 portions people are most concerned about but I'm not sure if  
20 you had a different vision.

21 COMM. BRUNE: I agree completely with that in full  
22 transparency. That doesn't mean that we're going to propose  
23 regulatory changes within those articles but I think as part  
24 of the scoping process, probably wise to be as generic as  
25 possible and throw it out there for whatever comments and if,

1 Wayne, that's a comment you want to make to -- I think that --  
2 I think you make a very good point.

3 CHAIR: Further questions? Rebecca.

4 MS. SKINNER: Thanks. I wanted to thank  
5 Commissioner Brune for coming to our meetings twice. So I do  
6 think that the RCAC, we do have a lot of resources sitting  
7 around the table and also with staff to develop some very  
8 specific comments. So my question is in scoping process, if  
9 there's things -- if we think -- if we like the way the C-plan  
10 regs are now, we could just say we like the way they are now  
11 but you're saying that you want more specificity. So if we're  
12 just trying to kind of reinforce what's already there, we want  
13 to say we like what's there. What is the best way to say that  
14 and how would we get to the level of specificity that's going  
15 to help your area?

16 COMM. BRUNE: It's a great question. If there are  
17 no changes that you think would be made, it's always helpful  
18 to say I think exactly as it is, it's perfect. That would be  
19 logged, you know, accordingly. You know, this isn't a vote  
20 though but, I mean, that input would be important for us to  
21 hear from a very important group, the RCAC, that everything is  
22 good.

23 Now, if there are things that you believe should be  
24 added or removed or are unnecessary, the more specific you can  
25 be, the better.

1 MS. KOCH: And I would just add to that -- I mean, I  
2 think on both extremes we've got -- I've heard everything from  
3 the regs are great the way they are, don't touch them, to the  
4 regs are really burdensome. Those are both -- that's good  
5 feedback on both sides but that's -- on both sides, that's  
6 pretty general. So I think if there are particular sections  
7 of the regulations, of that whole article, if there are pieces  
8 that you feel like this is really the core of it, this is the  
9 heart of it or, you know, it give -- even if you want to say  
10 oh, I think the whole article is great but this particular --  
11 but the approval process is just absolutely perfect, please  
12 don't touch it at all -- I mean, if there's something that's  
13 more important to you than other things that's more helpful  
14 than the reg -- you know, the whole article is good, it's --  
15 to me, that's going to be hard for me to -- and our team to  
16 evaluate. Just the way the regs are burdensome is really hard  
17 to evaluate.

18 COMM. BRUNE: And just as a follow-up to that, I am  
19 committed to full transparency in this process. I believe  
20 regulations.gov is an amazing avenue for seeing what the  
21 public has commented on any reg package that's opened. I'm  
22 trying to work on something like that for any regulatory  
23 package for DEC. I'm not promising that it will be in place  
24 for this but I am promising that the comments that we receive  
25 will be posted on the website after the fact. If we can get

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1       them during, that would be great but that's a high lift but  
2       we've just -- for example, the PM2.5 issue in Fairbanks, all  
3       of the public comments that we received we created a spot on  
4       our website and posted them on our website. We had not done  
5       that type of thing previously. I want the public to see what  
6       other members of the public are commenting on and they deserve  
7       to see them and they don't -- they shouldn't have to FOIA them  
8       to be able to see them. So we will be posting the comments  
9       that we receive from this process on our website so that the  
10      -- that you're able to see what others had to say.

11               MS. SKINNER: And then one follow-up, I'm assuming  
12      that if we're commenting that we like all the reso --  
13      regulations or if there's particular provisions that we like,  
14      it would be helpful to include in our comments why we like  
15      them so this is what the regulations do and that -- that's why  
16      these are important to continue. Okay. Thank you.

17               COMM. BRUNE: Yes.

18               CHAIR: Any more questions?

19               COMM. BRUNE: We will do our best as part of what we  
20      release prior to October 15th to lay out what we're looking  
21      for in this scoping process so that questions like what you  
22      just had will be answered that, you know, don't just say we  
23      don't like Section 3 of, you know, this. You need to give  
24      justification or we will lay that out as part of what we're  
25      going to be putting out to the public when the scoping process

1 starts.

2 CHAIR: Thank you, Commissioner.

3 MS. KOCH: Thank you.

4 CHAIR: I -- I'd like to say just in closing that  
5 the scoping process s and the public input I see a little bit  
6 just disjointed because you're going to get input from  
7 industry and we're going to be trying to come up with  
8 counterpoints to some of this as far as things that we like.  
9 So if you're just going to have scoping and then not have a --  
10 another scoping period after that to where we can make  
11 comments on -- opposite comments -- if you understand what I'm  
12 saying, it seems like we have resources in this organization  
13 that have gone through many, many C-plans and have commented  
14 on them for well-known reasons and I just hope that through  
15 your mechanism of this, it won't get too burdensome for people  
16 that are trying to comment on things so --

17 COMM. BRUNE: Well, and it's a great point and what  
18 I want to make sure you all know is that -- I mean, we could  
19 do an infinite do loop of --

20 CHAIR: Yup.

21 COMM. BRUNE: -- scoping processes. We're going to  
22 take this round of scoping process and this group -- we'll  
23 have another bite of the apple if we make proposals to change  
24 regulations and then you will be able to comment on whether or  
25 not those changes are good or bad. So there -- this is not



1 going to be your one chance. So what we'll receive as part of  
2 the scoping process we'll take. We'll bring back to my team.  
3 We'll take my team's input on things they may have wanted to  
4 change. We will then propose a -- regulatory changes and then  
5 everyone is going to have another bite of the apple, another  
6 opportunity to provide comment and then we will consider that  
7 as part of the process as to whether or not we should change  
8 the regs, reopen them for comment or finalize them. That's  
9 how the regulatory review process works, that -- what we've  
10 added is this additional scoping process which is not normally  
11 part of the process.

12 CHAIR: Appreciate that. So I think there's two  
13 more questions and then we're going to -- we have to move on.  
14 So Bob Shavelson.

15 MR. SHAVELSON: You didn't think I was done, did  
16 you, Jason?

17 COMM. BRUNE: Two is -- are you sure, Mr. Chair,  
18 that only two questions from Bob is sufficient?

19 MR. SHAVELSON: Every time you speak, it's new --  
20 every time you speak, I just think of more and more questions  
21 but, you know, again, I go back to the language and, you know,  
22 the need to address these efficiencies and things like that  
23 and, again, you know, you did go to the Resource Development  
24 Council and kind of proudly say what can we do for you and  
25 when I hear the word burden, I think about what about the

1 burden to the public, you know? And, again, I'm thinking  
2 about a very different issue but the Pebble Mine, you know,  
3 here's a project I think is a dog economically and, as a  
4 former employee of Anglo American, you know, that corporation  
5 looked very carefully and walked away from that project and so  
6 why are you spending so much time and resources in the public  
7 to deal with something like that project and I would analogize  
8 it with this, if it's not broken, why are we going to burden  
9 the public with going through this huge process -- it's time,  
10 it's money, it's distraction -- when, again, we should be  
11 doing other things and I'll bring up climate change again but  
12 -- so the question is what about the burden to every-day  
13 Alaskans?

14 COMM. BRUNE: What about the -- I didn't hear that  
15 last part. What?

16 MR. SHAVELSON: What about the burden that that new  
17 additional rule making has on every-day Alaskans?

18 COMM. BRUNE: First of all, I'll address each of the  
19 three points you brought up. Pebble's outside of the scope of  
20 the RCAC, I believe, so I don't believe I need to address that  
21 issue.

22 I will say that the burden on every-day Alaskans is  
23 there with the significant amount of regulations that we have  
24 for things that are completely unnecessary right now. We are  
25 looking at all of our regulations. The Governor has

1 instructed every department, every commissioner, to look at  
2 all of their regulations to make sure that they are current.  
3 Look at the statutes that you have. We have programs that are  
4 on the books that haven't been funded in 10 years, 20 years.  
5 We have a responsibility as representatives of the people to  
6 look at that, at -- to look at the statutes, to look at the  
7 regs and make changes if they're appropriate. The burden to  
8 Alaskans, we are trying to eliminate that burden that Alaskans  
9 have for programs that don't exist or are unnecessary that  
10 aren't adding any benefit to the environment or are causing a  
11 negative impact on the investment climate of our state. So I  
12 actually think we're trying to undo the burden for the average  
13 Alaskan.

14 And then I guess I will conclude because I -- you've  
15 brought up me speaking to RDC one time. I have been to this  
16 group twice. I've met with you probably 10 or 12 times  
17 individually. So I will ask you and every single one of you  
18 what can I do for you, Bob? What can I do for you, Prince  
19 William Sound RCAC? I am here. I am a representative of the  
20 Governor but I work to help Alaska's environment and public  
21 health. That is the mission of DEC and I -- if there is  
22 input, if there's feedback on any issues, I welcome that. I  
23 want to hear that. I'm open to it. I'm not just open to  
24 feedback from the RDC. I'm here for a reason. I want to hear  
25 the feedback from this group and I'm committed to

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1 incorporating it if it's appropriate.

2 CHAIR: Thanks. All right. We have until 2  
3 o'clock. Robert Beedle, make it quick, lad.

4 MR. BEEDLE: Well, let me tell you story up close.  
5 What's the --

6 CHAIR: I'll tell you a story.

7 MR. BEEDLE: You know, it's the end of my season too  
8 for, you know, fishing and I -- I've got a little bit left to  
9 do and then I'm going to get on with projects at home, a  
10 little more volunteer time, but you're looking at C-plans and  
11 RCAC so when you're here, I assume it's the VMT and the tanker  
12 but then I'm going to go home as a representative of Cordova  
13 and there's a -- with your gallon limit, we have a fuel supply  
14 company there that's going to have a C-plan that -- I've never  
15 looked at it. I don't know how. I don't know if they would  
16 even see as proprietary that I would have no reason -- no  
17 right to look at it. It's between you and them. So you -- I  
18 need -- or my community needs to become -- I mean, we don't  
19 know what they're going to submit so we don't know what to do  
20 in defense or what to improve.

21 I was on city council before and every meeting  
22 there's a -- plenty a pile of work to do without going in and  
23 reviewing their C-plan and offering suggestions, improvement  
24 or rebutting their proposals for deletions and stuff. I mean,  
25 it ain't going to happen. We're going to have to get a

1 revision. Something's going to have to go wrong. Then we're  
2 going to have to put a regulation back in like most of these  
3 have come about because of some issue. Rules and laws aren't  
4 just willy-nilly, they're reviewed by both sides, your agency  
5 or staff which appreciate, they're very fine people. I'm just  
6 kind of confused and what do you really -- it ain't going to  
7 happen. I'm not going to go home and ask Shoreside for their  
8 C-plan and become an expert on it. I still got -- gosh, it's  
9 burdensome. It ain't going to happen and I'm going to have to  
10 fight it later after it's been reviewed and it's been gone  
11 through the process. So, yeah, I'm not quite sure what really  
12 is your total intent.

13           You know, if it was a -- if you were giving us a  
14 specific thing, it'd be much easier for us -- I don't have the  
15 resources you do. I don't have the fine staff you do.  
16 Cordova doesn't. We took a bunch of budget hits with the  
17 vetoes. I mean, we're looking at new taxes? The Governor  
18 isn't going to tax but if we want to survive, we got other  
19 issues to worry about, laws that have already been beat up and  
20 hashed out and reviewed by your agency and now we're asked to  
21 go become a contingency plan or a -- thanks.

22           COMM. BRUNE: I will say thank you for your comment.  
23 The great thing is is they don't have to be experts at this  
24 phase. If they don't want to participate as part of the  
25 scoping process, they don't have to. There will be another

1 opportunity to get a bite of the apple when we actually make  
2 specific proposals to change the regulations. That's what I  
3 -- I mean, I'm trying to give extra opportunity for public  
4 process here. I could have just made cha -- proposed changes.  
5 I could have gone and worked with industry and just said we're  
6 going to cut this and eliminate this and eliminate this and  
7 brought it forward, comment. I didn't want to do that. I  
8 wanted to give the public if they wanted to engage an  
9 opportunity to give me their input. That includes industry.  
10 That includes the RCACs. That includes environmental groups,  
11 the fishing industry, you name it, to give input and then  
12 we're going to take that feedback and we may or may not change  
13 -- make changes. I anticipate we'll be coming forward with a  
14 regulatory package that does make changes but it's going to  
15 depend on the feedback that's given and so if they don't want  
16 to engage at this first phase, that's fine. They will have  
17 another opportunity and that's -- I hope it -- that's  
18 appreciated by the folks that don't have that expertise or  
19 don't have that time right now. When the specificity comes  
20 forward, they can engage at that point if they're not willing  
21 to engage at the extra process that I've afforded.

22 MR. BEEDLE: So as a citizen of my community, I have  
23 access to their C-plan, industries in --

24 UNIDENTIFIED SPEAKER: If they're available on the  
25 --

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1 MR. ZIOLKOWSKI: It's public record.

2 MR. BEEDLE: Okay.

3 MS. KOCH: Yeah, if you go on our website,  
4 (indiscernible) it's all there.

5 MR. BEEDLE: Okay. Thank you.

6 CHAIR: Mr. Haggerty.

7 MR. HAGGERTY: I'll keep this brief. I'd like to  
8 extend an invitation to the Commissioner to come back at our  
9 January meeting. Prior to that, if we could get a list of  
10 specific changes to the C-plan so that we can engage in a con-  
11 -- in a more informed conversation about this but I would  
12 extend an invitation. In fact, I'd like to see a commitment  
13 from you to come back to our January meeting.

14 COMM. BRUNE: So two things. No. 1, we definitely  
15 will not at all even be close to having suggested changes at  
16 your January meeting because the comment period will just have  
17 ended. So the -- I will commit by that point of your meeting  
18 that those comments that we receive by January 15th will all  
19 be publicly available for you to see. The -- one of the  
20 reasons I -- I already know that I'm going to be in Vancouver  
21 during your next RCAC meeting so I can -- I appreciate the  
22 invitation. I cannot be at the January meeting but I will  
23 definitely have representatives from DEC that are here and if  
24 we are anywhere close which I don't think we will be -- I  
25 mean, they'll let you know where we are in the process.

1 MR. LALLY: Yes, sir, just a point of clarification,  
2 I guess, and since you offered, you know, what you could do  
3 for us, just a -- on the comments that you receive, are you  
4 going to provide those ahead of the -- when you put out the  
5 regulations or the proposed regulations for our comments, are  
6 we going to get to see the -- any comments that you receive  
7 before that time? I didn't hear you say it and I apologize if  
8 you did but just -- and that just sort of speaks to the need  
9 for a equally long period of time to comment kind of thing on  
10 what was received.

11 COMM. BRUNE: So my dream -- doesn't mean it's going  
12 to be the reality -- is to have something like  
13 regulations.gov. When someone publishes a -- or puts forward  
14 a public comment on regulations.gov, it is immediately  
15 available for the public to review. We're not there yet. I  
16 wish we were. We're not there yet.

17 I anticipate that we will have the comments that we  
18 receive if January 15th is the deadline. We'll have to give  
19 our team time to be able to put them in a format that can be  
20 posted on our website but that shouldn't take much more than a  
21 couple of weeks. Ideally, I would love it if they were posted  
22 as we received them but I can't make that commitment right now  
23 because we don't have the system set up but absolutely, those  
24 comments will be published before we even come forward -- even  
25 think of coming forward with a regulatory package that changes



1 things.

2 MR. LALLY: Thank you.

3 CHAIR: Commissioner, thank you so much, you and  
4 Denise, for dropping in on us and then having this chat. We  
5 certainly appreciate it and we will certainly gather the  
6 wagons, so to speak, and work with you. So thank you.

7 MS. KOCH: Thank you.

8 COMM. BRUNE: Thank you again for the opportunity.  
9 As I've said before, I see you as a partner of DEC's and your  
10 input is incredibly important and I look forward to continuing  
11 to work with you in the future. Thank you.

12 CHAIR: Thank you.

13 (End of requested portion.)

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TRANSCRIBER'S CERTIFICATE

I, Linda S. Foley, hereby certify that the foregoing pages numbered 2 through 54 are a true, accurate, and complete transcript of Prince William Sound Regional Citizens Advisory Council Board Meeting (Excerpt) of September 19-20, 2019, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.



October 11, 2018

Linda S. Foley, Transcriber