



Alaska Tourism & Wildlife

Public input needed to safeguard state protections: Alaska's oil spill prevention and response standards at risk

Background:

Alaska Department of Environmental Conservation (ADEC) recently opened a public scoping process to solicit comments and input from stakeholders, the public, and industry on the oil discharge prevention and contingency plan regulations (18 AAC 75, Article 4) and statutes relevant to contingency planning (AS 46.04).¹

A contingency plan (c-plan) is a document that contains all the details about preventing and responding to emergencies. C-plans demonstrate that enough equipment and personnel are available to respond in case of an oil spill. Owners and operators of facilities or tank vessels are required to submit their c-plans to ADEC prior to starting operation and for regular review. Regulators review the c-plan, and if it meets applicable statutes (laws) and regulations, the plan gets approved. It is in the contingency planning documents – and only in these documents – that industry demonstrates to the State and the public that planning and resources are available to prevent and respond to oil spills.

Preventing an oil spill from occurring in the first place is the most effective strategy to protecting human health and the environment. If an oil spill occurs, however, it is necessary that a systematic and well-organized approach to contain, control, and clean up be planned ahead of time so it can be implemented quickly. C-plans serve as a contract from industry to the State, acting as an insurance policy to the citizens that their interests are being protected in both spill prevention and response preparedness.

The world-class oil spill prevention and response system for the Valdez Marine Terminal and associated tankers is a direct result of post-Exxon Valdez spill laws and regulations designed to protect Alaskans and our environment, as well as commercial and sport fishing, aquaculture, recreation, tourism, subsistence, and cultural interests.² The 1990 Alaska Oil Spill Commission Report, which assessed the causes of the Exxon Valdez oil spill, states, "The notion that safety can be ensured in the shipping industry through self-regulation has proved false and should be abandoned as a premise for policy. Alert regulatory agencies, subject to continuous public oversight, are needed to enforce laws governing the safe shipment of oil."³ Industry has shown they have been able to meet or exceed current regulatory requirements, and has demonstrated a commitment to the environment through safer operations, while operating profitably for the last 30 years.

¹ <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=195806>

² <http://bit.ly/LegislativeIntent>

³ <http://www.evostc.state.ak.us/index.cfm?FA=facts.details>

Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) has concerns that the current review and reform is an effort to roll back regulations in order to cut costs for the oil industry, effectively shifting the burden from oil industry to the people, fish, wildlife, environment, and to the many industries, as well as cultural practices, which rely on them. A concern voiced by ADEC is that the regulations governing c-plans are long, making compliance burdensome.⁴ However, the length of the regulations is to provide details for the wide variety of operations, including crude tankers, non-crude tankers and barges, crude oil terminals, non-crude terminals, oil and gas exploration facilities, production facilities, pipelines, and railroad tank cars. Many of the details in c-plan regulations were adopted over time to provide guidance and predictability to industry. There is no "one size fits all" plan; each plan is only as long as it needs to be to include enough details on how prevention and response actions are to be carried out so that there is no ambiguity. The message the State is currently sending to Alaskans is clear: the long-term health of Alaska's coastal communities is secondary to the oil industry's bottom line.

Public input is needed to strongly oppose any legislative or regulatory changes that would erode oil spill prevention and response standards, increase the risk of a catastrophic spill, or demonstrate a return of the complacency on the part of the oil industry and regulators that Congress determined to be a primary cause of the Exxon Valdez oil spill.

We encourage you to make public comment in support of strong regulations that protect our pristine environment, coastal attractions, unique wildlife, and healthy fish populations from oil pollution.

Please review the extensive resources available at <http://www.pwsrcac.org/regulatoryreform/> for further details on contingency plans and the current public scoping process.

How this Impacts Alaska Tourism:

PWSRCAC is concerned about the impact reduced regulations could have on tourism in Alaska, especially local coastal/marine tourism and ecotourism. We have compiled the following notes to assist individuals and entities in crafting comments for ADEC that address these particular concerns.

Public perception:

The State's effort is to reduce burden on industry⁵ – but clearly they are referring exclusively to the oil industry, not the tourism industry. A large spill could cripple tourism in the impacted area, which would be particularly devastating to small local operators who can't make up lost dollars in global operations.

Significant oil spills have a long-term impact on public perceptions of the pristine nature they expect on a trip to Alaska. Tourists want to see a healthy habitat with flourishing marine mammal populations. In

⁴ <https://vimeo.com/325737727>

⁵ Public statements by Commissioner Brune located here: <http://www.pwsrcac.org/regulatoryreform/>

Prince William Sound people still ask about oil from the Exxon Valdez. Tourism and eco-tourism would be heavily disrupted, perhaps impossible, during an active spill response. If recreational areas are oiled, tourism to those locations may take years to recover. A spill could also have statewide impact on visitor numbers if travelers choose to visit a destination they consider safer for their health or more intact environmentally.

There was a marked decline in Gulf Coast tourism interest following the Deepwater Horizon oil spill.⁶ “Perception overshadowed actual impacts: a quarter of people thought that leisure activities (swamp tours, boating and hiking) were closed because of the spill when in fact this was not the case.”⁷ BP paid almost \$2 billion in tourism-related claims.⁸

A strong oil spill prevention system, and strong response capability should prevention fail, is essential to mitigating environmental impacts from oil storage and transportation in Alaska.

Risk to wildlife:

Wildlife, especially our “charismatic megafauna,” are a key draw for tourism to Alaska and our international perception. Photos of oiled birds and otters are still the primary memories for many from Exxon Valdez oil spill. Some high-value species, like transient orcas, have not recovered in 30 years.⁹ Images of oiled dolphins, turtles, pelicans, and other species in the Gulf of Mexico still populate google searches of Deepwater Horizon.

The U.S. Fish & Wildlife Service (USFWS) recently commented on the “critical shortage of personnel in Alaska to perform wildlife capture, transport, and rehab” at the January 30, 2020 Alaska Regional Response Team meeting.¹⁰ Significant staff reductions due to federal downsizing has resulted in loss of experienced wildlife handlers. USFWS is not able to adequately respond to sea otter oiling as a result of a small spill, much less an Exxon Valdez-sized disaster. Given the reality of deregulation and downsizing at the federal level, now is not the time to reduce at the state level the protections Alaskans demand. We need to continue holding industry to a high standard of response preparedness to protect our unique wildlife species.

Risk to recreational fishing:

Oil in the water makes fish unmarketable and can harm fish population size. Public perception means that an oil spill anywhere in Alaska could have statewide impact on fish marketability or interest in recreational fishing. After Deepwater Horizon, over half of people surveyed thought that Louisiana oysters were unsafe to eat although evidence demonstrated otherwise.¹¹ The State of Alaska will shut down sales of seafood in areas that have experienced a spill to proactively protect our markets. Recreational anglers are unlikely to book a trip to Alaska to fish for salmon, halibut, or other marine

⁶ http://usa.oceana.org/sites/default/files/tourism_impacts_fact_sheet_9-8-15.pdf

⁷ <http://credbc.ca/tourism-industry-impacts-the-deepwater-horizon-spill/>

⁸ <https://www.boem.gov/sites/default/files/environmental-stewardship/Environmental-Studies/Gulf-of-Mexico-Region/Nadeau.pdf>

⁹ <http://www.evostc.state.ak.us/index.cfm?FA=status.injured>

¹⁰ https://alaskarrt.org/PublicFiles/ARRT_2020_January_Agenda.pdf

¹¹ <http://credbc.ca/tourism-industry-impacts-the-deepwater-horizon-spill/>

species if they believe the marine environment is contaminated. Likewise, tourists who want to enjoy fresh, local seafood would be unlikely to travel to Alaska in the wake of a major oil spill.

A reduction in response equipment and trained personnel could weaken oil spill response protection of Environmentally Sensitive Areas (ESAs) such as sensitive fish rearing habitat, salmon streams, and hatcheries. ESAs typically have special protections listed in c-plans, and are a cost-saving target for industry reductions when they submit updates to c-plans for regulatory review.

A reduction in oil spill response equipment and trained personnel could impact the timing of a response to contain, control, and clean up an oil spill. Early and well-planned spill response, supported by robust c-plans, better mitigates environmental impacts, safeguards wildlife, and protects the marine environment that tourists come to Alaska to see.