



# About the council

The Prince William Sound Regional Citizens' Advisory Council is an independent, non-profit corporation whose mission is to promote environmentally safe operation of the Valdez Marine Terminal and associated tankers. The council derives its authority from the Oil Pollution Act of 1990 and from a contract with Alyeska Pipeline Service Co.

The council observes, verifies, advises and informs government, citizens, and industry about the safety of crude oil transportation through Prince William Sound. Our 19 member organizations consist of communities in the region affected by the 1989 Exxon Valdez oil spill, as well as commercial fishing, aquaculture, Native, recreation, tourism, and environmental groups.

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# Foreword

The Prince William Sound Regional Citizens' Advisory Council was formed through the efforts of many people, the majority of whom were volunteer citizens. In a twist of fate in 1995, at the age of 18, I arrived in Valdez and began my career working for one of those people, Stan Stephens. I vividly remember the very first time I sat in his office with him. He was on the phone and when he hung up he said, "If an all black car comes racing by, duck." I knew he was referencing oil companies; we had recently spoken of the fact that Wackenhut had tapped his phones. I knew that he was not serious. However, his statement showed that six years after the Exxon Valdez oil spill, emotions were still deep.

This book is a compilation of interviews with citizens, who, like Stan, started in the absolute worst position: oiled, heartbroken, angry and full of mistrust. Yet together, they were able to overcome all of that and work with the oil industry to do the unimaginable. They created a successful and reputable Regional Citizens' Advisory Council, which, as of this writing, has yet to be replicated successfully outside of Southcentral Alaska.

As you will read, the citizens who were in-

involved in those early years were not experts in oil spill prevention and response. Many were not even close, including Stan Stephens. Yet when they would speak, you wouldn't know. Their self-taught knowledge of the oil industry was extraordinary.

I like to think I would have the same valor of those citizens. That I would be capable of not only surviving an enormous oil spill, but at the same moment having to learn all that is oil – in Alaska and globally – to protect a future that must have seemed all but lost. I am thankful and indebted to the citizens who withstood those challenges and passed on to my generation a remarkable organization.

It has been 26 years since the Exxon Valdez oil spill and the formation of the Prince William Sound Regional Citizens' Advisory Council. Time marches on and sadly, we are starting to lose those first voices. Sometimes, things have to change to remain the same. Our formal mission continues. However, we must also carry on our unwritten one: preserving the original intent, vision and passion of those who were instrumental in our formation. This compilation of interviews is a great start.

**Amanda Bauer, President**  
Prince William Sound Regional  
Citizens' Advisory Council

# Introduction

One of the most radical innovations to come out of the Exxon Valdez spill was the establishment of permanent, industry-funded citizen oversight to promote the environmentally safe operation of the oil industry. It's now been over a quarter of a century since the Prince William Sound Regional Citizens' Advisory Council was formed. To mark that anniversary, the council is releasing the collection of stories in this booklet about the formation and early development of the council, and the hopes and intentions of some who were closely involved with early days of the council.

These stories help us understand how citizens and the oil industry rallied together to create an oversight group to protect Prince William Sound from future oil spills.

The stories are in oral history format. Oral his-

tory is the practice of preserving personal testimonies about the human experience. Subjectivity is both the greatest strength and weakness of oral history; it can convey emotions linked to a specific time period, but the information may not be as accurate as other methods of documenting history. As stated by Mark Hutton in his interview, "sometimes memories are colored by the hope of what you thought you were trying to do and not necessarily exactly the way it happened. Twenty years ago was a long time ago, and this is my best recollection."

The first four chapters in this book consist of highlighted quotes, pulled from the interviews, which tell the story of the council. Many more valuable details are contained in the full text of the interviews, which can be found in the Appendix in alphabetical order.



# Member Entities

The council's member entities include villages, cities, and groups representing Alaska Natives, conservation, tourism, commercial fishing, and aquaculture. All member entities were affected in some way by the 1989 Exxon Valdez oil spill, and all have a significant stake in the prevention of oil pollution and protection of marine resources in the area.

## Member entities:

Alaska State Chamber of Commerce - May 1991 to present  
Alaska Wilderness Recreation and Tourism Association - March 1992 to January 2015  
Community of Chenega Bay - July 1992 to present  
Chugach Alaska Corporation - July 1989 to present  
City of Cordova - August 1989 to present  
City of Homer - July 1989 to present  
City of Kodiak - July 1989 to present  
City of Seldovia - July 1989 to present  
City of Seward - July 1989 to present  
City of Valdez - July 1989 to present  
City of Whittier - July 1989 to present  
Cordova District Fishermen United - July 1989 to present  
Kenai Peninsula Borough - July 1989 to present  
Kodiak Island Borough - July 1989 to present  
Kodiak Village Mayors Association - May 1991 to present  
National Wildlife Federation - July 1989 to December 1993  
Oil Spill Region Environmental Coalition - September 1994 to present  
Port Graham Corporation - January 2010 to present  
Prince William Sound Aquaculture Corporation - July 1989 to present  
Tatitlek - January 1992 to present

# Glossary

**470 Fund:** Nickname for a fund set up by the State of Alaska to provide money for oil spill prevention and response programs

**ACAC:** Alyeska Citizens' Advisory Council, the original name of the Prince William Sound Regional Citizens' Advisory Council

**ADEC or DEC:** Alaska Department of Environmental Conservation

**ANWR:** Arctic National Wildlife Refuge

**APSC:** Alyeska Pipeline Service Co., also known simply as "Alyeska," is the operator of the trans-Alaska pipeline and the tanker terminal in Valdez

**CDFU:** Cordova District Fishermen United

**DNR or ADNR:** Alaska Department of Natural Resources

**House Bills 566 and 567:** Alaska state regulations stemming from the Exxon Valdez oil spill

**NOAA:** National Oceanic and Atmospheric Association

**NWF:** National Wildlife Federation

**Oiled Mayors:** A group of mayors and village leaders from communities affected by the Exxon Valdez oil spill

**Oil Spill Commission or Alaska Oil Spill Commission:** Independent commission appointed by Alaska Governor Cowper to review issues raised by the Exxon Valdez spill and find ways to resolve them

**OSLTF:** Oil Spill Liability Trust Fund

**OPA '90:** The Oil Pollution Act of 1990

**Ombudsman:** A professional assigned to represent the interest of the public during the investigation of the government or a private company for malfeasance, mismanagement, complacency, or a violation of rules and/or laws

**OSRI:** Oil Spill Recovery Institute

**PWS:** Prince William Sound

**PWSAC:** Prince William Sound Aquaculture Corporation

**RCAC:** In this document, "RCAC" usually refers to the Prince William Sound Regional Citizens' Advisory Council, but it may also refer to the Cook Inlet Regional Citizens' Advisory Council, or the concept of regional citizens' advisory councils

**Recertification or Recert:** Annual evaluation by the Coast Guard, certifying that the council fosters the general goals and purposes of the Oil Pollution Act of 1990, and broadly represent the communities and their interests

**SOTEAG:** Shetland Oil Terminal Environmental Advisory Group, the council that oversees the oil industry related to the Sullom Voe oil terminal, and was the inspiration for the formation of the regional citizens' advisory councils in Prince William Sound and Cook Inlet in Alaska

**Sullom Voe:** Oil terminal in the Shetland Islands of Scotland

**TAPS:** Trans-Alaska Pipeline System, which includes the pipeline from Prudhoe Bay to Valdez and the Alyeska terminal in Valdez

**Veco Corporation:** Exxon's main cleanup contractor

# Timeline

## **Late 1986**

Rick Steiner presents the idea of citizens' advisory group to George Nelson, President of Alyeska; Alyeska declines.

## **Early January, 1988**

Senator Mike Szymanski proposes Senate Bill 345, "An Act creating the Environmental and Industrial Dispute Resolution Task Force."

## **March 16, 1989**

Federal House Bill 1465 "Oil Pollution Liability and Compensation Act of 1989" is introduced by Rep. Walter B. Jones.

## **May 1989**

Alaskans travels to Sullom Voe in Scotland to look at their tanker management and citizens' oversight.

## **November 9, 1989**

Federal House Bill 1465 passed by House of Representative (votes: 375-5).

## **February 8, 1990**

Contract between citizens and Alyeska signed, creating the regional citizens' advisory council for Prince William Sound.

## **January 28, 1987**

Rick Steiner presents citizens' advisory group idea to Alaska Senator Mike Szymanski.

## **Late January, 1988**

Szymanski's legislative effort dies due to industry lobby.

## **March 24, 1989**

Exxon Valdez tanker runs aground on Bligh Reef in Prince William Sound.

## **June 17, 1989**

Meeting between oil industry representatives and Prince William Sound fishermen. Fishermen present list of demands, including creation of a citizens' oversight group, to industry which are approved by BP's President Jerry McCune on the same day.

## **November 19, 1989**

Federal House Bill 1465 passed by Senate (voice vote).

## **August 18, 1990**

Federal House Bill 1465 becomes "Oil Spill Pollution Act of 1990" and is signed into law by President George H. W. Bush.

# Part I: Formation of the council

*Those involved share memories about the earliest efforts to create and form a citizens' advisory council.*

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"In February of 1989 we had just gone through quite a bad spill at the terminal on one of the tankers. A lot of people thought they had done a great job at cleaning it up. Others, myself included, thought they hadn't. We knew then that if we had a big spill we were in trouble because they didn't have the equipment here."

- Stan Stephens

"About a year before the spill, as mayor of Valdez, I formed an ad hoc committee on what to do in case of a major oil spill, because we knew that the oil industry had broken many of the promises they made to us. They didn't have the equipment they promised and they didn't have the crack response team any more. They had reassigned those people to other duties, so we knew there was a problem."

- John Devens, Sr

"Once I became aware of the Shetland Oil Terminal Environment Advisory Group I knew it was a great idea and I thought we should set one up here for the terminal and the tankers.

I took the idea immediately to George Nelson, then president of Alyeska. He basically told me to get lost, that he didn't want citizens breathing down his neck. There was absolutely no political necessity for him to respond favorably to the request at the time.

I then took the idea to our state senator of the region, Mike Szymanski. He liked it, so we broadened the concept and in 1987, we began looking seriously around the nation for other potential models. I was proposing these citizens' advisory councils for all large-scale extractive-industry projects in Alaska, such as large mines and certainly the Prince William Sound oil terminal. As a first step for Alaska, the senator's office drafted a bill to establish an "Environmental and Industrial Dispute Resolution

Task Force" to study the concept of industry/public advisory groups as we had originally proposed.

But that bill was killed right away. The policy folks in the Cowper administration didn't see the need for it and the oil lobby essentially killed it before it moved very far. That was two years prior to the Exxon Valdez. And I've always felt that if we had been successful at establishing the RCAC then, the Exxon Valdez oil spill may never have happened because they would have identified the holes in the tanker safety system."

- Rick Steiner

"We can blame the spill on Exxon, but the fact of the matter is that the blame actually goes to everyone. And to me that was the direction we needed to push for, to have a citizen say-so. We had to begin doing things differently."

- Stan Stephens

"At that point we formed what was called the oiled mayors group, which was for village leaders and mayors. I was a key component of that group and was often referred to as its spiritual leader because I had a tendency to be the most outrageous and the most outspoken. We met with Alyeska every week in Anchorage in an effort to iron out some of our differences and to insist that the system of the squeaky wheel getting all the attention was not the best way to go about getting things done. We wanted a system that was fair and even.

We frequently called press conferences and I was often the spokesperson. We were the darlings of the press; they treated us very well. Industry was very sensitive to the press, to litigation, and to legislation, so we played all three of those cards, and we got a lot of things done."

- John Devens, Sr

"Various stakeholders, communities, organizations, etc. realized that something had to change in order to make sure that another oil spill didn't happen again. It was in that spirit that the Alyeska Citizens' Advisory Committee (ACAC) was formed."

- Bill Walker

"Before the legislation happened, Alyeska was beginning to be open to the idea of a citizens' oversight council. So here you have the city behind the idea, Alyeska buying into the idea, and the oiled mayors from all the affected communities discussing the idea of spill prevention over the long term. Between all those forces, things began to happen fairly quickly."

- Mead Treadwell

"There are so many people who deserve credit for identifying the problem and for working so hard. My assessment is that the RCAC never would have come about if concerned residents and citizens of Prince William Sound hadn't cared enough to make it happen."

- Scott Sterling

"It was the perfect storm in terms of pending legislation, public opinion, plus a lot of anger that was directed at Alyeska that put us in the driver's seat in a lot of ways. Getting that independent funding was critical."

- Anne Rothe

"From there, I worked with Mark Hutton, who was doing contract work with Alyeska, to look at who should be invited to put this group together. Alyeska was issuing invitations to people, but we were making suggestions. We wanted to make sure that we had all the interested parties involved, looking at the whole impact area, not only the cities and boroughs, but the interest groups as well."

- Marilyn Leland

"I drove Jim Hermiller to the signing of the contract, and his last question to me was, "Are we doing the right thing?" He felt that in the end it all boils down to the quality of the people and the purity of their intention, as to whether things do or do not work out, regardless of legislation. Jim was concerned that the people we had in the beginning were all reasonable, mature people and that the process would work so long as there were reasonable and mature people. He always feared the day when you have an organization with unlimited power and virtually unlimited money and you did not have reasonable and fair people. The downside was you could never choose the quality of the people who would be in it. The upside is that it fixed in concrete an oversight that has probably eliminated complacency for all time."

- Mark Hutton

"Importantly, government was not involved in this meeting; it was fishing-industry-to-oil-industry. At that meeting, we presented a list of demands to the oil industry regarding the oil spill and one of them was the establishment of a citizens' advisory council for the region. The oil industry, particularly Alyeska and BP, was very receptive to the citizens' advisory council idea. After we adjourned the meeting the Alyeska reps immediately called BP London and told us they got approval to establish a Prince William Sound citizens' advisory council. They weren't quite as agreeable with the other things we proposed in that meeting (double hulls, better vessel traffic systems, etc.), and we had to work things out with them over the next several years. But the June 17, 1989, meeting was when and where the agreement was made to set up the Prince William Sound council."

- Rick Steiner

"The first meeting was very interesting. Peoples' emotions were still pretty much right on the surface, so there were some tense moments. However, the way I saw it, especially in the earliest days, there was an enormous feeling of

## Stories from a citizens' council

working together to bring this group to its full potential. There was no sense of territoriality. Alyeska was there; they were on board with it, their new president wanted them to attend the meetings.”

- Marilyn Leland

“Once we had the agreement from the industry at the June 1989 meeting to establish the RCAC, I circulated the concept paper to the Alaska congressional delegation. Senator Frank Murkowski liked it, and he then followed up by sending two of his staffers over to Sullom Voe, to verify and ground-truth the concept. After that, the Senator inserted the RCACs into OPA ‘90.”

- Rick Steiner

“It was a small intense group, and very unique. Bob Brodie, Ann Rothe, Mead Treadwell, Marilyn Leland, Tim Robertson, myself and a few others. I think there was something about how that group came to together, in the tragedy and the turmoil of what was going on. It was very intense around here in 1989. A bunch of folks came together and everything seemed to click, and we actually carved something into stone that had never been done before and it was done under very difficult operating conditions, both politically, plus we all had other jobs. But we just took an interest in making this happen.”

- Jim Butler

“There were then many subsequent meetings. I think we met every other week for a period of time as we decided who we were and what we were going to be. In a lot of cases there was nobody from Alyeska in the room, and if we wanted to meet privately, that was fine with them. There was some angst, though. There were several people who thought that we were being co-opted and that this would not work out, and that it would eventually become so influenced by the industry that it would be ineffective.”

- Tim Robertson

It was an interesting process. There was a very strong attempt to prevent the language from going into OPA ‘90, and it wasn’t an attempt by industry. Frankly I got the sense from industry that if the thing could be defined it would be better understood and related to, but there were people in the environmental community who were openly trying to scuttle this provision in OPA ‘90. In looking back, I think most of those folks just simply believed that working with industry was never an acceptable approach to finding a solution to the challenges we were trying to tackle. Industry was inherently bad and any effort to work with them was bad as well.

- Jim Butler

“Alyeska put huge resources into the formation of RCAC and managing OPA ‘90. But for us, the whole premise was, can we trust that this is going to be an independent group and not a puppet of the oil industry? We were all interested in setting a precedent for how potentially impacted areas might deal with impacting entities. Not just oil spills; it was a precedent for any major facility that could impact a region. It would provide a model for the world on how to deal with potentially polluting facilities, especially huge potentially polluting facilities. And it was trying to do it in a smart way that would allow for compensation of social and economic impacts as a result of releasing any pollutants in the future.”

- Chris Gates

## Part 2: Emotions run high

*Early board members and staff describe the emotional turbulence of the first few years after the council was formed and how they learned to channel that emotion into a professional, effective organization.*

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“In the early days we were so caught up in the emotions of the devastation, it was hard to remember that we were trying to launch and stabilize an organization that would exist far into the future, and far beyond the Exxon Valdez disaster itself. You could hardly fault people for being passionate and upset, but we had to remember that in order to be effective we had to put our efforts into building a strong foundation for the future and not to be sidetracked too much by the crisis of the day, because there will always be some kind of crisis of the day. The key is to be ready for it and have a good system for dealing with it.”

- Scott Sterling

“Conflict was inherent and a natural component in RCAC’s establishment and history. While conflict has some positive aspects, in general, it had negative effects and many times kept both sides from moving forward in a positive direction. The grudges were deep and mistrust was rampant.”

- Sheila Gottehrer

“The negative is that it was formed out of a disaster. The horse was out of the barn, so to speak, and we went about closing the door. The positive side is that it has matured over the years. I would say during the first ten years, it was a pretty contentious relationship between industry and the board. I can remember some meetings where there were some very fiery exchanges, and that was a necessary part of the process.

A month or so following its formation, the president of Alyeska confided to me that he was disappointed that the relationship hadn’t advanced further. I think my remark to him was,

“You can’t reach into the charred forest and get the victims of the fire, then dust them off and expect them to be anything other than what we are.””

- Bill Walker

“Those of us who were originally involved were pretty overwhelmed with all the stress and harsh conditions that we all went through. Even today it brings back a lot of bad memories. Personally, it turned me strongly against the oil industry and against the state and the federal government. So there was a lot of bitterness.

When you start a group with a lot of people being very bitter, professionalism isn’t always what it should be; there’s always going to be a mix-up between doing things right and allowing your emotions to get in the way. In the first year or two we had to sort that out.

Once we did that, it became a very efficient machine and we were able to really take a strong look at what we needed to do. When we worked with the oil industry and the shippers and others, it was pretty tough. There was a lot of give and take. Industry had to learn that they had to put up with us and that we had better find a way to work together. But it didn’t happen overnight. It took a while.”

- Stan Stephens

“We tried to deal in good faith with a high degree of civility and professionalism, but it did get contentious at times. Part of that was due to the extreme sensitivity to the disaster itself. Building trust was not easy and it took a lot of work and a lot of time. On top of that, we had to learn the technical aspects of what we were dealing with. We had to learn to understand and address the technical and engineering questions, the consciousness of the global oil

industry and the role that TAPS and Alyeska and its parent companies all play. We had to raise our consciousness greatly to understand how the oil industry views things, and the role it plays in international oil supply and demand and international oil economics."

- Scott Sterling

"When we first got started, the first few meetings, the only issue on the table was oil spill response, but there were a few of us who worked hard to get the mission to include all the environmental impacts of the tankers and terminal. That was somewhat of a contentious issue, but it got resolved within about three meetings, then we took on all the environmental impacts. There was so much work that the RCAC ended up doing, invasive species and air quality, just to name a couple; none of that would have been included if it had remained what it started out being."

- Marilyn Leland

"I used to kid about "Meetings R Us" because in the early days we attended so many meetings. All in all, I think the RCAC was set up very well. I think it was a hard time for the oil companies to accept that citizens should have any say about anything having to do with them. I can kind of understand that, because, if I'm the captain of a military ship, I wouldn't expect civilians to tell me how to run my ship. I think that's essentially the way the oil companies felt about it. I think ultimately it worked out extremely well because we managed to realize that everybody had the same goal. None of us wanted to have another oil spill and if we did, we wanted to have something in place that was going to mitigate it to the maximum extent, and hopefully prevent it in the first place. In the beginning it was a little contentious between the oil companies and the RCAC. They weren't sure why we were even there."

- Stan Stanley

"At those early meetings, I think there were people from Alyeska who were skeptical and they didn't really want to participate, but I think there was also a lot of people from Alyeska who were glad we were there because we helped them to do their jobs better. Our presence lent weight to things they may have wanted to do anyway, and we may have made that a little easier for them."

- Marilyn Leland

"Once we did towing studies and risk assessment, it became obvious that we had something that the shippers could go back to the owners and higher-ups with and say, "Hey, look, these guys are right. If we have a major accident, it's going to be 100 per cent our fault because they have proven themselves.""

- Stan Stephens

"We were also able to insert local fishermen and their boats into the response plan. That was something that had never been done before and, in fact, in the early days of the spill had been rejected by Alyeska and Exxon. In fact, when I talked to Alyeska and offered assistance from some of our fishermen, I was told "we can't afford the liability of using amateurs." The good news is that now, Alyeska and the shippers now know that Alaska fishermen are professionals and the most qualified to assist in a response."

- Marilyn Leland

"Safety is bound up with all the other issues that affect the industry. It has economic implications, it has legal implications, it has management implications, it has political implications. Every sphere of human endeavor is affected by safety and concentrating the intelligent discussion that keeps you mindful of all that is an education, to say the least. In the realm of politics and safety and engineering and commerce and maritime law, it just goes on and on. It was pointed out to me that you cannot become an instant expert on everything and you probably

shouldn't even try, but what you should do is keep in mind the goal and learn what you need to learn. Don't try to be an instant expert because that can lead you down the wrong path. So that was me, I was a lawyer generalist, I didn't try to become an expert on anything, I just tried to keep in mind the goals."

- Scott Sterling

"There were tens of thousands of volunteer hours in the first few years of the organization. When you have that kind of volunteer effort, and then on top of that you can fund travel and meeting locations, and legal expertise, and technical expertise to advise the volunteers, you're leveraging their dollars way beyond what they can do with those same dollars, and I don't think they realized or expected that.

There was a lot of emotion and a lot of energy that came out of the oil spill by people who were upset by the fact that it happened to us, and it gave a channel for that energy and that emotion to do something positive. Those are all really good things.

The downside is that we are sort of dependent on the industry for the funds, although I haven't seen that to be a tremendous downside."

- Tim Robertson

## Part 3: What worked? What didn't?

*Thoughts on the positives and negatives of the way the council was organized.*

"I think the positives far outweigh the negatives. The fact that citizens and grassroots organizations in their cities and other interest groups have a very solid, assured voice that guarantees that they will be listened to, and that they can participate in the decisions that affect the traffic in the TAPS system, is very positive."

- Scott Sterling

"It's a give and take process, and that's what it was set up to do. Some people say the RCAC has too much input into industry and some people say we shouldn't be shipping oil because it's too dangerous. On the other hand, reason dictates that the world moves by oil, and though we have all kinds of alternative energy, for the foreseeable future we are a world that uses oil."

- Sen. Frank Murkowski

"I think the organization has done a real good job of protecting the economic interests of the people and the organizations they serve. I think, honestly, as far as what works, we protect the oil industry's economic interests as well. Because of our counter force to the constant cost cutting, I think we have kept the pressure on to assure good systems are in place, or to actually improve them, and that's good for industry's bottom line. But their system, which is set up with bonuses based on cost cutting, doesn't deal well with that. So we're kind of like this counter process and counter pressure to actually get appropriate environmental protections and expenses built in and paid for, despite the cost cutting pressures that they have."

- Joe Banta

"It's very important for people involved with RCAC and the shippers to go around the different communities to see the beauty of the area that we want to protect. I remember specifically one meeting in Seldovia, there was a new

representative for Exxon at that meeting, and I think it had an impact on him, to see the level of commitment on a volunteer basis, folks coming together to provide input that otherwise they wouldn't have a vehicle available to do that. I think it's a very positive outcome, the benefit of having stakeholders involved in the process at the ground level rather than the decisions coming out from some regulatory body, and the only option is to file suit."

- Bill Walker

"The really important thing about the contract was, we had to be funded well enough to be able to hire experts, predominantly scientists, to do studies and make recommendations; we needed money to compete with the experts that the oil industry was coming up with. The contract allowed us to be independent. We gave Alyeska advice. We couldn't make them do anything, but they had to listen to our advice and they had to respond to our advice. They could comment and give feedback, but they didn't have a say in the final decision on our advice. When the decisions on what the advice would be were made and votes were taken, the shippers and the oil industry did not have a vote."

- Marilyn Leland

"The paradigm shift was making citizens have an ability, by having the money, to have staying power. The money goes toward providing informed, technical comments to the agencies that were modifying or marginalizing the regulations and requirements. Before, without active citizen input, we ended up with a spill response plan that gathered dust, a spill barge that was frozen in the ice, less Coast Guard oversight and legislative oversight, and on and on and on. So combating complacency really is the driving force of what we're about."

- Joe Banta

"I think the funding is adequate to make sure its scientific and technical arms are competent. The review process and the addressing of the many engineering, technical, and maritime commerce issues that go into it are understood and reviewed by people with the aid of competent contractors and advisors. That enables a person from a fishing group or a municipality or one of the other constituent members to be effective. I think with proper leadership and good faith you can't expect more from a democracy than people putting their energy into being effective and using their own voices."

- Scott Sterling

"I think it's a pretty revolutionary idea that has had positive impacts all over the world. Again, the only downside of trying to translate this to other parts of the world is the idea of granting this kind of group a level of autonomy that allows them to step out and criticize industry and really demand changes. But I know that in other places where they've tried to establish these kinds of organizations, where there isn't a guaranteed source of funding or industry isn't required to provide a minimum amount each year, it just doesn't work."

- Anne Rothe

"On the negative side, because the board is quite large, it's a bit unwieldy. And as with any large organization, not all the constituents of it are in lockstep on all issues. However, I think it is organized to allow for healthy debate."

- Scott Sterling

"The one thing that joins everyone is their pride in our mission. Even though the board members may have different political beliefs, they have that one thing that ties them all together; they truly want to see industry work safely."

- Linda Robinson

"There are no guarantees that can absolutely insure against any kind of mishap or disaster, but the entire process of enhancing safety is greatly benefited by having the local people who know local conditions and who care about the locality where they live take part in the decision making process. By that I don't mean that they share authority, but their input is solicited and appreciated."

- Scott Sterling

"I think allowing citizens to have a say, to sit at the table, has been a tremendous benefit. You never know how things would have gone if there hadn't been an RCAC, but you can look at other parts of the world such as the Gulf [of Mexico] Coast and see how disconnected the people who utilize the water there are from the industry. We don't have that issue in Alaska anymore."

- Tim Robertson

# Part 4: Lessons learned

## Thoughts on the value of citizen oversight.

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“You could talk about all kinds of lessons learned about spill prevention and response, but I’m going to stick with the big picture. That if you involve citizens with the appropriate amount of money and the people with the most to lose are out there making sure they don’t have to lose, that’s a pretty powerful model. I think it’s an applicable model throughout the country and throughout the world.”

- Joe Banta

“It took a while to learn the culture of the oil industry and how they work; it’s quite a system once you learn it. Even the Alyeska owners’ committee in Alaska are not decision-makers. They are passer-on-ers, and they pass on to their own higher-ups within Exxon, BP and Conoco. Once you learn that and you learn what the people within the frame of the industry want, you realize that nobody, and I mean nobody, wants an oil spill.”

- Stan Stephens

“Similar to the ombudsman institution, the RCAC has no power or authority to implement its recommendations and therefore its power is derived through the quality of its research and the effective presentation of facts and logical arguments. This is an important and positive aspect.”

- Sheila Gottehrer

“You can’t have it your way all the time. There’s a give and take when you’re participating in a complex system that has a whole variety of players, not just within the council itself, but within the system of oil spill preparedness and response. We like to strive to make it as good as we can. We also have to figure out how to make compromises and make sure we’re at least

making some forward momentum. I think that’s always one of the challenges.”

- Jim Butler

“That moderate people can improve any situation. If you attend to the extremists, your ability to help an area really decreases. A balanced approach, understanding the interests of all parties and trying to create solutions that accommodate as many interests as possible, produces better results than saying this is the only solution we want.

Additionally, I think citizens’ advisory groups funded by potentially impacting parties are a concept of great value to the nation and the world. It truly needs to be replicated wherever there is any facility that can impact a region that depends upon government and regulations in order not to be hurt.”

- Chris Gates

“That you can get a lot further by working cooperatively than by being adversarial. Sometimes the right thing to do is to be adversarial, but most of the time the right path is working cooperatively together, understanding the other side’s point of view, and trying to accommodate that and trying to seek out a way that meets both your needs and the other parties’ needs.”

- Tim Robertson

“What we have learned and what is very important is that we can make a difference, and that we have made a difference. We work with the shippers and Alyeska and the Coast Guard and a whole bunch of other groups, and I think we’ve all learned to appreciate each other better and understand each other’s roles.”

- Stan Stephens

"We have learned that complacency is our worst enemy. We have learned that using the best consultants and the best information is the most compelling way to get industry to do what you want them to do. We have learned that being polite and professional with industry and the regulators is much more effective than being contentious. I remember meetings where people stood up and screamed profanities, called industrial representatives liars, said they were arrogant. That may have been true or at least true in the board's opinion, but it didn't advance their cause."

- John Devens, Sr

"In a perfect world I would find people in government and industry more receptive to citizen oversight. Oversight is never fun if you're the person who is being overseen because you're always having to explain things. In a perfect world, people would say, this is really good to have. The RCAC was not meant to be another hurdle in the regulatory process, it was meant to be a player in the regulatory process, as a third party dispassionate citizen, and as a way for citizens to have some more expertise and a keeper of the flame."

- Mead Treadwell

"The problem is the culture and the higher-ups and the bottom line, which oversees and overcomes everything. What I have learned is that you have got to find a way to make sure that everything you do, every move you make, has to be professionally done and it absolutely has to be right. You can't go in with emotion. You have to go in and say this is what's happening and this is what we need to do to make sure it's better. We hire some of the best professionals to get that done."

- Stan Stephens

"One of the things I would hope is that the RCAC continues to live up to a very high standard of organizational integrity and ethics.

Three rules are to stay organized, stay active, and stay informed when you are responding to disasters and crises. I've never forgotten that from my experience with RCAC and the communities of Cordova and Prince William Sound. We did try to build into the council and into the law, that staying active and informed and working hard can make positive change happen."

- Scott Sterling

"A lesson learned is that it's better to have the stakeholders involved before a disaster happens so that you at least have a bit of a trust level established. Today there are regular drills. We know the people involved and the level of trust has grown. If something calamitous happens, we'll know who to pick up the phone and call."

- Marilyn Leland

"I would say another lesson is you should never have a time and a place where you have a potential disaster where the responders—both the state and federal governments and the industry people—don't know the people in the communities. This is one where frequent exercises, the interface that the RCAC provides, the work of the fishing communities and so forth is vitally important."

- Mead Treadwell

"That it is essential that those people most directly impacted by industry operations should be engaged in determining how those operations happen. There are so many places all over the world where things are imposed on people, they suffer consequences, and they have no power to speak to industry to make changes such that those consequences either are lessened or in some way mitigated. RCAC is a powerful organization in that it really is an example of how people need to be engaged in decision making regarding development that directly impacts them."

- Anne Rothe

## Stories from a citizens' council

“We have managed to keep a consensus between state regulatory authorities and national regulatory authorities, industry and the various communities and Alaska at large. We need to keep the investments to maintain the escort vessels and double hull tankers and some other things that are expensive but are worth it. We have learned that if you don't do science, you don't change things. Perhaps the biggest lesson is to listen to people who believe that science can be improved, and to listen to the outliers sometimes.”

- Mead Treadwell

“We are oil dependent and we will never change and because of that we accept the inherent risks of providing that fuel to our society. We know we cannot clean up a spill. We know that we have to prevent a spill. We know that you have to have some oversight to a degree to prevent complacency and downsizing. And we've learned it's possible for a place like Prince William Sound to offer stakeholder interest and expertise with industry interest and expertise and have a system that runs fairly smoothly.”

- Mark Hutton

“That it's absolutely necessary to have citizens involved, providing oversight for large-scale industrial projects that have the potential for affecting the environment and peoples' lives. We need to have these councils established before we have catastrophes rather than after, and not just for catastrophic situations but for everyday operational concerns as well. Citizens, industry, and government need to talk to each other in a structured way, on a regular basis. Government and industry need active, independent, and credible citizen engagement.”

- Rick Steiner

“Finally, a lesson learned is, you always have to be careful that even a watchdog group doesn't become complacent and bureaucratic. You have

to keep telling the story of why RCAC exists and why citizen oversight is an important asset to maintain checks and balances.”

- Mead Treadwell

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# Joe Banta

*Banta was one of the first staff members for the council. He has managed projects for the Oil Spill Prevention and Response and the Scientific Advisory Committees.*

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## **How and why was the council formed?**

It was formed in response to the oil spill. Really it was formed before the oil spill because Rick Steiner had been advocating for a citizens' advisory council years before the spill happened. When he started promoting it, it didn't really gain too much traction, of course, because there hadn't been a big, pivotal event to make things move.

Rick traveled to Sullom Voe in Scotland, gathered information there and was using that model for his promotion. After the spill, it's my recollection that he was pushing Alyeska, and Alyeska actually started the citizen advisory council ball rolling by trying to form an advisory council itself. It was called ACAC, Alyeska Citizens Advisory Council.

Mark Hutton worked under contract for Alyeska. He kind of carried their water and got the ball rolling, but as soon as people in the communities started hearing about it, they kind of took it over and made it into what got put into OPA '90 (Oil Pollution Act of 1990) and also into our contract with Alyeska.

The bottom line was the contract really was signed before OPA '90 was finished. I think that the numerous meetings that were held with such players as Anne Rothe, Jim Butler, Tim Robertson, Chris Gates and Marilyn Leland created a situation that eventually pressured Jim Hermiller (president of Alyeska) into signing the contract.

When I talk to people about what we are and what we do, I tell them that we are an anti-complacency group, and that we're all about combating complacency. The OPA '90 analysis and the recommendations by the Alaska Oil Spill Commission, chaired by Walt Parker, was all about complacency on a number of levels, including citizens with the most to lose and the least ability to have an impact.

The paradigm shift was making citizens have an ability, by having the money, to have staying power. The money goes toward providing informed, technical comments to the agencies that were modifying or marginalizing the regulations and requirements. Before, without active citizen input, we ended up with a spill response plan that gathered dust, a spill barge that was frozen in the ice, less Coast Guard oversight and legislative oversight, and on and on and on. So combating complacency really is the driving force of what we're about.

## **What was your role in the formation of the council?**

I was the third staff member hired, in October of 1990. We were still forming the technical committees. I worked with the OSPR (Oil Spill Prevention and Response) Committee.

Tim Robertson was the founding OSPR Committee chair so we got together and set up the first meeting. We immediately got to work on the Alyeska contingency plan; they had actually given us the plan to look at. We were all over that, and we frequently had meetings where we'd get up at 6:00 in the morning so we could catch people to have teleconferences before they went to work. Back in those days, there weren't laptops but we worked the technological angle with some early e-mail programs and faxes. I think all committee members and board members had faxes, so we were able to share information. The first big project was the formation of the committees—the OSPR was actually the first committee formed—and then we were off to the races.

Other projects came after that, like the hatchery protection plan and various other things. We also hired more staff and brought those folks on board.

### **What are the negatives and positives about the way the council was formed?**

Honestly, we're cumbersome. A board that has 20 members, that's a large amount of people, and frequently everyone wants to talk. Talking about new concerns is one dynamic, but talking about the same old topics, repeating what's already been said in a meeting, can be hard for operational effectiveness. It's wearing and it's not productive. But when the board operates smoothly, they can be effective and they've managed to use executive committee process to streamline things between their meetings. We used to have five board meetings a year. At the very beginning, the committees were frequently meeting multiple times a week.

The positives are the staying power, the citizen interest at the grass roots level, and protecting peoples' economic interests. I grew up a fisherman, and fishermen are at the ground level of the economy. Catching fish, you want to make sure the fish and the habitat are there for your future. There's a real beauty in being able to protect that.

I think the organization has done a real good job of protecting the economic interests of the people and the organizations they serve. I think, honestly, as far as what works, we protect the oil industry's economic interests as well. Because of our counter force to the constant cost cutting, I think we have kept the pressure on to assure good systems are in place, or to actually improve them, and that's good for industry's bottom line. But their system, which is set up with bonuses based on cost cutting, doesn't deal well with that. So we're kind of like this counter process and counter pressure to actually get appropriate environmental protections and expenses built in and paid for, despite the cost cutting pressures that they have.

What doesn't work well? We have a lot of frustrations working with certain agencies at times. They don't want to work with us and they don't want to share information with us. Every time we get a new person, we have to educate them and inform them. In fact, we are a true source of

information because we have this great longitudinal knowledge that goes back almost 22 years. That's a lot of information we have gathered, along with our databases and our files. So that's kind of a frustration, getting the agencies to recognize the value that we provide them and getting them to work with us and share with us.

### **In a perfect world, what would you change about the council?**

I think we need more strength for requiring the oil industry and regulators to provide information. It seems clear enough in OPA '90 but the clarity must not be there because they do everything to keep from sharing information with us, so I think that certainly is a key issue.

Another issue is oversight. It's difficult for us to be an advisor or a watchdog for agencies when they oversee you. In this instance I mean the Coast Guard. It is an organization that re-certifies us every three years, so there's a real issue there. The appropriate three-year certification agency is probably not the Coast Guard.

I don't think there's a whole lot more I would change about the RCAC. I think we operate pretty well. Think about the staying power: twenty-plus years after a spill. And quite honestly, it's the money that makes it work.

### **What are the lessons we have learned?**

I think we've learned the power of citizen involvement when it's funded appropriately. And clearly, the level of involvement with multiple staff members and contracting out to some of the world's finest experts wouldn't have happened without the money that was provided through the requirements of OPA '90 and through the requirements of the contract. Money is power. When you have enough power to put together the best expert on air quality or hydrocarbon toxicity or what have you, you come to the table with the best information. You can stake the high ground and the regulators and the industry have to listen to you. I think that's one key point.

Another lesson learned, speaking about the funding source, is that we—Prince William Sound RCAC—have got a single funding source, and that's different from what Cook Inlet RCAC has. They've really had to struggle to secure their funding, and it's been hard for them. So I think a single source of funding is very critical.

You could talk about all kinds of lessons learned about spill prevention and response, but I'm going to stick with the big picture. That if you involve citizens with the appropriate amount of money and the people with the most to lose are out there making sure they don't have to lose, that's a pretty powerful model. I think it's an applicable model throughout the country and throughout the world. We're pretty focused in this country on corporate capitalism and other countries aren't necessarily like that. The RCAC model is kind of a paradigm shift back to reining in the corporate capitalism, regulating it, and having the regulatory process be a little more meaningful, environmentally and socially. Unfortunately, it's been difficult for us to extrapolate it and move it into different realms.

# Jim Butler

*Butler represented the Kenai Peninsula Borough on the council's board of directors from July 1989 to September 1990.*

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## **How and why was the council formed?**

Originally the RCAC was the ACAC, the Alyeska Citizens Advisory Council. It was convened when Alyeska undertook a significant review and subsequent buildup of their oil spill response capabilities during the summer of 1989.

Alyeska, I believe, started the ACAC about the same time as the oiled mayors group. As that moved forward, it became clear that there was a need to codify in some way the mechanism of a committee so that once a system was put in place there was less risk of that committee going away because it wasn't needed anymore. We needed to have this thing put in a longer term mode.

There was a feeling from a lot of folks that the original system lacked citizen involvement. At the time there were several people who had a background with British Petroleum and a familiarity with the citizens project in Sullom Voe, Scotland. Sullom Voe became a watchword of sorts for a model to help citizens in any area around the terminal and shipping lanes who wanted to become involved.

As OPA '90 was moving through the Congressional process, the group decided it would probably be best to look at getting it codified in OPA '90. Section 5002 was where it ultimately landed. A decision was made to take away the term Alyeska and make it more regional, so it became the Prince William Sound RCAC.

It was an interesting process. There was a very strong attempt to prevent the language from going into OPA '90, and it wasn't an attempt by industry. Frankly I got the sense from industry that if the thing could be defined it would be better understood and related to, but there were people in the environmental community who were openly trying to scuttle this provision in OPA '90. In looking back, I think most of those

folks just simply believed that working with industry was never an acceptable approach to finding a solution to the challenges we were trying to tackle. Industry was inherently bad and any effort to work with them was bad as well.

There was also very strong resistance to having a program in Cook Inlet, which was very important to my boss, Don Gilman, the Kenai Peninsula borough mayor, because after the spill it was clear that there were also going to be changes in Cook Inlet. Don Gilman truly believed that the landscape had forever changed and that having an organized or defined role for public involvement in this process was probably going to be good, and that if it was good enough for the Sound it was good enough for the Inlet. My marching orders were very clear: to make sure that both areas had the opportunity for this sort of involvement.

Bill Walker, Tim Robertson and I were the ones who were working it up on Capitol Hill in Washington, D.C., and it was not uncommon to have people call us and lobby us to give up on the effort.

A lot of people don't know this, but the person who—oddly enough—really made this happen in federal law was Don Young. At the time, OPA '90 was coming together like a typical reactive federal law process. I remember going back and talking with some of his staff. We met with one of the senior staffers and there was enough concern about whether it was going to make it in OPA '90 or not that we were trying to get some sort of an imprimatur, if you will, of congressmen and senators so they couldn't really back off once they had supported it, so they wouldn't want to change their mind. So they came up with the great idea of putting it on the Coast Guard Appropriation Bill, which we did. And who's going to vote against the Coast Guard, so it passed.

There had also been a deal made that all oil spill related issues would be addressed in the omnibus OPA '90. Don Young was willing to get his knuckles rapped for putting an oil spill related measure on another bill for the purpose of having everyone vote for it. It was ultimately pulled from that authorization bill and put in OPA '90 and he was able to say, "Hey you guys already voted for it, what's the problem?"

I remember Tim Robertson and I going into the office of a senior staffer and listening to him tell us all about how you make sausage in Washington, D.C., and that was one way to do it.

The other real developmental step is about the funding agreement. One of the things that was difficult was having a predictable funding source. I think the original number was about \$2,000,000 with some adjustments. Early on in the meeting, when we were in the process of trying to get that decided, we had a hard time getting Alyeska to come around; I think we were actually at 1.5 million. I don't know if it was Mead or myself, but we were talking about making a motion to recess the meeting until they came back with a two million number.

They were sitting there and they said, "Did you just say two million?"

We said, "Yep."

They said, "I thought we were just at 1.5."

We said, "That's what the motion is. You'd better go outside and make a motion real quick or we might have another one."

As I recall, the mood at that meeting was it was time to force the issue of funding and we wanted to send a clear message that we were serious and it was time for the folks from Alyeska to understand that message. They had to recognize that there would be a cost to supporting the ACAC/RCAC and they would be the sponsor. They also had to understand that funds were a key component to how we were going to try to accomplish the visions of this neophyte organization/effort.

And that's how it came about.

It was a small intense group, and very unique.

Bob Brodie, Ann Rothe, Mead Treadwell, Marilyn Leland, Tim Robertson, myself and a few others. I think there was something about how that group came to together, in the tragedy and the turmoil of what was going on. It was very intense around here in 1989. A bunch of folks came together and everything seemed to click, and we actually carved something into stone that had never been done before and it was done under very difficult operating conditions, both politically, plus we all had other jobs. But we just took an interest in making this happen.

There were some pretty intense feelings at those first meetings. Some people were almost pounding on the table and jumping on the Alyeska guys. There was a consulting group, the Hutton Group, and they were hired by Alyeska to help facilitate the process of the development of the council.

### ***What was your role in the formation of the council?***

I was brought on by Mayor Don Gillman, who at the time was mayor of the Kenai Peninsula Borough. I had a background in working on spills, principally the Glacier Bay spill in Cook Inlet in 1987. Mayor Gillman brought me on soon after the Exxon Valdez spill to be his special assistant, to sort of be the lead for the Kenai Peninsula Borough on oil spill related matters. In addition to dealing with the operational issues associated with the cleanup that the borough was involved in, I also dealt with policy activities such as participating in the formation of the advisory council as well as assisting in the promulgation of regulations at both the state and federal level from the borough's perspective.

### ***What are the negatives and positives about the way the council was set up?***

There had been a lot of work done, organizing the council. We wanted to make sure that there was a federal mandate that this council exist in some form. We also wanted to make sure that the work that had been undertaken was not lost,

so one of the positive things is that we got language included, that there could be an alternative model or council that might not follow the strict dictation of the law but if it met the spirit and the intent, that another organization could go forward. It allowed a lot of hard work to be leveraged and created some flexibility.

Because of that, though, I think that there was a potential to have some political tension, and it seems that over the years it may have manifested itself in a couple different ways. For example, interests between the different council seats or dedicated seats. I think that dynamic has sometimes led to expanding the number of players, and I think that must make it much more awkward to manage.

I haven't dealt directly with the RCAC for several years but it's quite a bit bigger than what was originally intended. The idea was, it was going to help be a funnel, but at the end of that funnel was kind of where the RCAC was from all these disparate interest groups. As you put more people on the council, sometimes you get the disparate interest groups doing their business at the council table instead of away from the table. And when they come they have clear marching orders.

### ***In a perfect world what would you change about the council?***

It seems like the council has become awfully big. The original council nature of it was almost folksy. That has pretty much gone away and it's become its own business machine. Maybe that is just the natural evolution of such an organization, but I think that's a challenge for it. I think the original model was ideal for a few reasons: I recall our goal was for various groups to work out their issues and present a unified position for a particular interest group. We wanted to avoid multiple players representing the same interest group and sorting their issues out at the council level. We also wanted to avoid any interest group developing a caucus approach or voting block able to exercise special influence on decisions or positions. I was also concerned

about budget. I thought the more money that went into council administration was less money for important programs or work we hoped the council would undertake. I wanted to avoid the "more money" approach but focus on efficient use of funds for long term sustainability and credibility.

### ***What are some of the lessons we've learned?***

You can't have it your way all the time. There's a give and take when you're participating in a complex system that has a whole variety of players, not just within the council itself, but within the system of oil spill preparedness and response. We like to strive to make it as good as we can. We also have to figure out how to make compromises and make sure we're at least making some forward momentum. I think that's always one of the challenges.

# Wayne Coleman

*Coleman represented the Kodiak Island Borough on the council's board of directors from January 1990 to September 2002.*

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## **How and why was the council formed?**

At the time of the Exxon Valdez oil spill, oil industry oversight was being provided by state and federal agencies. Citizens from many communities felt that there needed to be better control of the oil industry, both production and transportation.

## **What was your role in the formation of the council?**

I was employed as an administrator to alleviate some of the burden on the Kodiak city staff. I conducted and moderated daily public meetings. At first we had about 12 agencies involved and, of course, the public was given time to speak, too. I did that for a couple months, then we went to three meetings a week. The meetings really needed a moderator because people needed to express their feelings and talk about their difficulties, and offer suggestions for recovery and remedial action, especially people in the fishing industry. I took notes of the meetings and presented them every day to the city of Kodiak. There exists quite a record of those meetings somewhere.

Alyeska was providing some of the funds the city needed for the additional services. Subsequently, the Kodiak Island Borough hired me to continue the administrative work and that's when I became more and more involved with the actual RCAC formation. I made many trips to Anchorage. Some of our people were going to Washington D.C. and Juneau to lobby for better oil legislation and to provide for the creation of the RCAC. It was a very busy time, even people who weren't directly affected by it were emotionally caught up in it. It caused a lot of hard feelings, not just with the fishing industry but among other citizens.

Finally we signed a contract with Alyeska stating that they would fund the RCAC at a

certain level and guaranteeing that the RCAC was organized in a much more viable manner. A few months later, OPA '90 was passed. The signing of the contract was quite a date in the entire process. Having been one of the original signatories on the contract with Alyeska was a good experience.

We ended up with good results, though probably not as good as we wanted. It would have been better to get the oversight for the pipeline and production areas too, but that never came about.

## **In a perfect world, what would you change about the council?**

I think they were inadequately funded right from the start, so I would say better funding.

Not so much at the beginning, but a little later on, the administrative costs kind of got out of control. I think we were consuming more of the funds than necessary and that money could have gone for research and information that would have provided better guidance over shipping out of Valdez and for oil spill remedial action. Having 19 members on the board made it difficult to work effectively sometimes, though I think all the communities and interests needed to be represented.

## **What are the lessons we have learned?**

The main lesson is that the citizens and the general public need to be kept much better informed about what's happening in the oil industry. And the oil industry should be more receptive of the public's involvement in advisory situations.

The negatives of how RCAC was set up would be indecision about which entities to include in the composition of the membership. The positives about how RCAC was set up are: it included a very positive group united in an ef-

## Stories from a citizens' council

fort to establish a citizen-based oversight group to improve petroleum shipments and a more effective response to oil spills. Also, the people were willing to contribute time and effort to gain the enactment of OPA '90.

# John Devens, Sr

*Devens was the mayor of the City of Valdez and leader of the Oiled Mayors Group. He served as the council's executive director from 1997-2009.*

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## **How and why was the council formed?**

The RCAC came out of three different ideas. Fishermen, primarily in Cordova, had been interested in having some form of citizens' advisory group for years before the spill.

About a year before the spill, as mayor of Valdez, I formed an ad hoc committee on what to do in case of a major oil spill, because we knew that the oil industry had broken many of the promises they made to us. They didn't have the equipment they promised and they didn't have the crack response team any more. They had reassigned those people to other duties, so we knew there was a problem.

In March of 1989 the Exxon Valdez hit a rock, spilling more than 11 million gallons of crude oil into Prince William Sound. The local residents found that they were not included in the information and decision-making, and also that there were discrepancies in payments to local boat owners working on the cleanup.

At that point we formed what was called the oiled mayors group, which was for village leaders and mayors. I was a key component of that group and was often referred to as its spiritual leader because I had a tendency to be the most outrageous and the most outspoken. We met with Alyeska every week in Anchorage in an effort to iron out some of our differences and to insist that the system of the squeaky wheel getting all the attention was not the best way to go about getting things done. We wanted a system that was fair and even.

We frequently called press conferences and I was often the spokesperson. We were the darlings of the press; they treated us very well. Industry was very sensitive to the press, to litigation, and to legislation, so we played all three of those cards, and we got a lot of things done. I really think that the oiled mayors group was one of the beginnings of the RCAC.

During all of this, Alyeska could see the hand-writing on the wall. They knew there was going to be some kind of a governmental organization formed, so they signed a contract with the oiled mayors group. They were very agreeable, much more agreeable than I thought they would be. I remember thinking, "Boy you guys don't know what you're getting yourself into." The RCAC had a contract before the Oil Pollution Act of 1990 was law. Alyeska agreed to give the organization two million dollars each year to operate, adjusted for inflation over the years, and to be in effect as long as oil flowed in the pipeline and for some time after, while the existing line and terminal were taken down.

The RCAC of today is not what was written up in OPA '90. It is a supplement to that. At that time, President [H.W.] Bush said that, if we wanted to play the part of the citizens' advisory group that was written into OPA '90, then we had to have someone oversee us. They gave us a choice of either the Environmental Protection Agency or the Coast Guard. By then the RCAC board had been formed, and it was a pretty close vote, but they chose the Coast Guard.

At first the RCAC thought they would have an executive director and maybe a secretary, and the board was going to pick up most of the work. But as time went on, it was found that you can't count on volunteers to do a lot of the nitty-gritty stuff, so the board added project managers because we had lots of projects and somebody had to manage them.

The first executive director had a real rough time of it, and I place no blame because everything was against her. People were really upset and angry at the industry. They were so upset, violence was not out of the question. We didn't know if the fisheries were going to come back or if the wildlife was going to come back.

After she left, they hired another executive

director, Stan Stanley, a former Coast Guard officer. He was good, but there was so much pressure that it was a very difficult job. Different people wanted different things and we had to keep peace with industry, and all the regulators had to be dealt with, and the staff, though they were very good, were all like college professors: they were all experts in their fields. So the beginning was very rough. It was a difficult time for everyone. I was the third executive director.

### **What was your role in the formation of the council?**

I was instrumental in the oiled mayors group. I was in the news much of the time, providing information and suggestions on radio and television. I was involved in the group that eventually got the contract with Alyeska. After that I ran for Congress and sort of dropped out of the RCAC for a few years to pursue other things. Then I learned that the RCAC was looking for an executive director, so I put my name in and I got the job. I had that job for 12 years.

When I first became executive director, Stan Stephens, a board member, took me aside and said, "John, it's going to take you a couple of years to get up to speed." And he was right. There was so much to know, dealing with so many agencies and regulators and 19 board members, and there were frequent disagreements. The staff was excellent but they had strong opinions, which was a good thing, but the energy in a group like that can be extremely frustrating.

### **What are the negatives and the positives about the way the council was set up?**

In retrospect, I can think of things that could have been done differently and done better, but I think at the time people did the best they possibly could have with the information they had. It was the first group of its kind and we were set up as an example for other groups to form.

The RCAC has a great deal of independence,

with the exception of every year they have to stand for recertification by the Coast Guard. So the RCAC is always dependent on whoever is in the Coast Guard and their objectivity.

There were many times when we needed to take a stand against some of the things the Coast Guard was doing, but we didn't stand as strongly as we should have because if we got nasty with them, they could come back and respond negatively toward our recertification. I think the EPA would have been easier for us to deal with because we had fewer reasons to be critical of the EPA.

I think there could have been a better way of selecting board members. As it was, we had a few very active board members who were progressive and positive. Then we had board members who were more inclined to take care of their personal interests. They were probably more harmful than helpful.

The majority of the board really didn't get involved very much. They generally came to the meetings, but you could tell they hadn't read the materials. It was like any other organization, it was an honor to be on the board, but people didn't want to work very hard. The board today is much more effective than it was back in the earlier days.

My thought is that every group should have a five-year plan, but when I introduced that idea to the board at my first board meeting, I actually had one member threaten to have me fired. Eventually we did put that five-year plan into action and every year we updated it, so all in all the consensus was that it was successful.

### **In a perfect world, what would you change about the council?**

The group needs to be more decisive about the constrictions of the executive director's position. I worked for several years without an evaluation or pay raise. At the beginning I had very little clout in that job. That changed considerably over the years, but it made it very difficult at first.

I wish we could have figured a better way of choosing board members, because that was a weak area. Having a local election for the representatives, I think, would have been a better idea rather than members being appointed to the board.

Also, the board doesn't have any way to deal with dysfunctional board members. We hired professionals to come in and talk to board members about how to be more effective and less caustic but, unfortunately, the members who needed that type of training were the ones who didn't show up. They didn't think they needed any guidance or upgrading of their input.

I think right now if the board were to take on another project it should be supervision of the pipeline. The RCAC has some authority to investigate things that Alyeska does, and offering advice in regard to the pipeline would be a good use of their money. When we tried to advise on contingency plans for critical areas of the pipeline, we lost in arbitration.

Something that has been a thorn in the side of the Prince William Sound RCAC right from the beginning has been having two offices, one in Anchorage and one in Valdez. I didn't do anything to change that because I knew I had good people in Anchorage, and if there was only one office, it should be in Valdez. But the public relations aspect and the political aspect takes place largely in Anchorage, which means that the executive director has to drive or fly back and forth between the two cities and that's a large burden.

At least twice there have been movements to close the Anchorage office and move the entire operation to Valdez. But if that were to happen PWSRCAC would lose all of those great people they have in Anchorage, so I don't see how that ever could work.

### ***What are the lessons we've learned these last twenty-some years?***

We have learned that complacency is our worst enemy. We have learned that using the

best consultants and the best information is the most compelling way to get industry to do what you want them to do. We have learned that being polite and professional with industry and the regulators is much more effective than being contentious. I remember meetings where people stood up and screamed profanities, called industrial representatives liars, said they were arrogant. That may have been true or at least true in the board's opinion, but it didn't advance their cause.

We have learned that there is a great need for oversight on the pipeline. If we have another major spill the chances are greatest that it is going to be on the pipeline rather than the water because we have covered our bases on the water very well. But nobody is really tracking on the pipeline, and there's a great need there. If the pipeline were to rupture anywhere, especially near the Copper River, it would be another enormous catastrophe.

# Chris Gates

*Gates represented the City of Seward on the council's board of directors from July 1989 to February 1993.*

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## **How and why was the council formed?**

To my knowledge, the RCAC was formed by the Alyeska Pipeline Service Company. After the Exxon Valdez oil spill, they had written a regional advisory council into their oil spill prevention and response plan.

I was asked to represent the City of Seward in this new group - the RCAC. We attended an initial meeting in Anchorage in July of 1989.

I had one prerequisite. I didn't know if Seward was going to be used by Alyeska to advance their political agenda, and I had one test of that. My question was, would this group be allowed to look at the social and economic impacts of an oil spill? As one of Seward's point men on oil spill issues, I had learned that unless there was a progressing standard to measure the social and economic impacts of an oil spill against, any lawsuit against an oil company was going to fail. I asked that question at the first meeting and the answer was, we'll get back to you.

We went back and forth on that issue and on the last day, Jim Hermiller held his nose and signed a contract that allowed the RCAC to look at the impacts of an oil spill, much to the chagrin of Exxon, who basically had threatened his job.

Alyeska put huge resources into the formation of RCAC and managing OPA '90. But for us, the whole premise was, can we trust that this is going to be an independent group and not a puppet of the oil industry? We were all interested in setting a precedent for how potentially impacted areas might deal with impacting entities. Not just oil spills; it was a precedent for any major facility that could impact a region. It would provide a model for the world on how to deal with potentially polluting facilities, especially huge potentially polluting facilities. And it was trying to do it in a smart way, that would allow for compensation of social and economic impacts as a result of releasing any pollutants in

the future.

For me, when Denny Kelso sat on his hands for three days of calm weather and did not allow burning or dispersants to mitigate the amount of oil spilled into Prince William Sound, that made the State of Alaska as culpable as Exxon. That was why we needed an RCAC, not just to watch the oil companies, but to keep a vigilant eye on regulators as well. The companies had lots of reasons for following the law but if no one was watching the state, it was all for nothing.

## **What was your role in the formation of the council?**

Because I came as a public representative of the city of Seward; because I had been prominent in the effort to exclude oil from Resurrection Bay; and because we had some very contentious but ultimately successful dealings with Exxon, the group elected me chairman of the RCAC for the first year. Then they elected me chairman of the organization the second year.

There was a lot of work involved, and it was way beyond any single human being to do it, so we had to be smart about what to focus on and what not to focus on. I knew that unless we were going to get some hard money to the impacted regions, the RCAC was going to end in the not too distant future. The only ones who were going to survive were the ones who were smart about funding, and to this day we're still operating.

## **What are the negatives and positives about how the council was set up?**

The RCAC was lucky to exist at all. Because it was initiated by the oil companies, everybody thought it was going to be a pawn of big oil's agenda. So originally we had a real bias that this is not good, this is not being initiated from

the right direction, it's being initiated by somebody who benefits from saying that they now have the communities as a part of the process. We didn't know if we were being used or not, but we stayed with it and took it to its natural conclusion, and that conclusion was positive. I don't think Seward would have been a part of it if they hadn't allowed us to look at social and economic impacts of oil spills. If they had said no to that, there wouldn't be an RCAC, in my opinion.

On the positive side, people came willingly and they gave Alyeska the benefit of the doubt. As I said, there was some dissension, but even those folks did not want to quash the RCAC. They wanted to use it to do some specific things, but they didn't want to destroy it.

As head of marketing and development for the port of Seward, one of the interests I had was to create jobs and economic activity for the community. Frankly I was quite concerned that the vehemence and the intensity of the public and the press against the oil companies, fueled out of frustration over many years, was going to drive away any prospects for development of Prince William Sound, including proper timber harvest and proper and legitimate natural resource development. So part of my job was making sure there was balance and not just a one-sided emotional response; the future was kept in mind as oil spill prevention and response was developed. I had to make sure we weren't extremist in any direction and that a balance was kept.

### ***In a perfect world, what would you change about the council?***

The original hope that I had for the RCAC was that it would turn into a worldwide model for how impact areas could deal with potentially impacting facilities. I would publish the model and suggest that it's a good model to use in applications other than oil spill prevention and response.

Another thing, I would somehow get a handle on the bureaucracy and the administration of

the organization. As I see it, they are spending to the point of oblivion when they could and should be using their money to educate the public. They are not doing a great job of letting the impact area public know what the risks are of an oil spill.

You hear the press talking about events that bring us 30 seconds closer or 30 minute further from nuclear destruction, and certain events that influence it one way or the other. I always wanted to publish an oil spill clock to inform the public that we have assessed the situation and, according to our data, we are safer now than we were last year, or that we are 40 minutes away from an oil spill rather than 30 minutes away. In this way we could give a valuable report to the people about their degree of safety and their level of risk. That has never been done.

### ***What are the lessons we have learned in these twenty-some years?***

That moderate people can improve any situation. If you attend to the extremists, your ability to help an area really decreases. A balanced approach, understanding the interests of all parties and trying to create solutions that accommodate as many interests as possible, produces better results than saying, this is the only solution we want.

Additionally, I think citizens advisory groups funded by potentially impacting parties are a concept of great value to the nation and the world. It truly needs to be replicated wherever there is any facility that can impact a region that depends upon government and regulations in order not to be hurt.

Third, I think it's still possible to create a social and economic baseline from which to empirically measure any future oil spill against. I think if you really want to provide an incentive to the oil companies or to nuclear operators or to chemical companies, the real incentive is that they actually will pay for social and economic impacts that they caused by not putting in safety controls, not having enough training, not putting in human backups, by not putting in

## Stories from a citizens' council

enough safety to avoid an impacting event, etc. If they get hit with a \$50 billion potential bill, oil companies will spend a billion, and that will triple the amount of protection that currently exists. That's my philosophy.

# Sheila Gottehrer

*Gottehrer was the council's first executive director, serving from January 1991 to July 1993.*

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## **How and why was the council formed?**

The RCAC was created through a contract between Alyeska and the citizens of the communities affected by the Exxon Valdez oil spill. It was a way for these communities to have an effective and potent voice in combating complacency and preventing and reducing the possibility of another oil spill. The stated mission was to promote the environmentally safe operation of the Alyeska terminal and associated tankers.

After the Exxon Valdez oil spill there was a desperate need to monitor, review, and comment on many aspects of Alyeska's plans, capabilities and impacts. Forming a citizens' council charged with this role and these inherent responsibilities was necessary and timely. Such a window of opportunity would never again occur to obtain such unique citizen oversight of industry.

## **What was your role in the formation of the council?**

After the RCAC was formed and the contract with Alyeska was signed, the board of directors hired me for six months to establish and set up RCAC's administrative foundation and content. My role included but was not limited to hiring staff, setting up the office, initiating the development of policies and procedures and the volunteer committees and serving as a liaison between RCAC and Alyeska. Subsequently, the RCAC board hired me to be Executive Director.

## **What are some of the positives and negatives about how the RCAC was set up?**

The most positive aspect of the RCAC was the people and their determination to affect change. For the most part, the RCAC Board of Directors who represented those affected by the Exxon Valdez tragedy and RCAC's staff and volunteers were intelligent, and committed to and

passionate about the RCAC's mission.

RCAC's independence was a primary positive aspect. The contract with Alyeska provided RCAC funding as long as oil flows through the pipeline and can only be changed by mutual consent of both parties. Most of RCAC's operating budget comes from Alyeska.

Similar to the ombudsman institution, the RCAC had no power or authority to implement its recommendations and therefore its power was derived through the quality of its research and the effective presentation of facts and logical arguments. This is an important and positive aspect.

Conflict was inherent and a natural component in RCAC's establishment and history. While conflict has some positive aspects, in general, it had negative effects and many times kept both sides from moving forward in a positive direction. The grudges were deep and mistrust was rampant.

## **In a perfect world, what would you change about the council?**

Provide on-going joint conflict resolution training for Alyeska, RCAC's Board of Directors, RCAC staff and relevant regulatory agencies.

The contract would include amendments for Principles of Civility along with Guidelines for Interaction. Both the Principles and Guidelines would be developed jointly by RCAC and Alyeska and would stipulate ground rules for engagement between and among the parties.

Conflict would still occur, but hopefully, such joint training and contract amendments would result in increased understanding of the issues and increased self-knowledge for both sides.

## **What are the lessons we have learned?**

We have learned many lessons:

We should preserve and advance the knowl-

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edge gained from the Exxon Valdez oil spill experience.

Never feel safe or secure—don't be complacent.

Response and contingency plans must be practical, comprehensive, strategic, and most important they should work.

Residents of the region can greatly assist in oil recovery. Commercial fishermen, for example, were extremely helpful in recovering oil.

Ensure continued communication between industry and citizens of the region.

Hold spill drills regularly and practice, practice, practice.

Practice cooperation and practice out-of-the-box problem solving.

# Kevin Hogan

*Hogan represented the City of Homer on the council's board of directors from July 1989 to January 1990.*

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## ***How and why was the council formed?***

It was formed after the Exxon Valdez oil spill in an effort to give local communities some input into oil spill response and prevention. To the best of my knowledge, the initial group was put together by Alyeska.

## ***What was your role in the formation of the council?***

Initially I had been a spill responder under contract with Exxon and Veco. I was identified as part of the Cook Inlet cleanup program. I was taken off that program because I wasn't a proper team player. I told them that I wanted to report directly to someone in Exxon who could do something that would be responsive, and that was taken as uncooperative.

I was the first Homer representative. There was a working group already formed by the time Homer was invited. The Seward harbor-master, Chris Gates, chaired the first meeting I attended. There were lots of spirited debates, and I give a lot of credit to him for keeping things focused and on track and moving toward a common goal. I was only there for nine or ten months, then Marge Tillion took my place.

## ***What are some of the negatives and positives about how the council was set up?***

The RCAC had a very diverse group of stakeholders, and they all had a mechanism for input. My understanding is that the Prince William Sound RCAC was one of the first regional citizen advisory committees related to the oil industry and shipping and transport, and that's very positive.

The negative was that at the time there were a lot of communities that had a lot of self-interest. They figured there was a big pot of money that they could grab.

## ***In a perfect world, what would you change about the council?***

I've been too far removed for too long to have much input. I think it's probably turned out to be a real good system. Fortunately, we haven't had to deal with a spill since then. There are enough safeguards in place that I don't think it's going to happen again.

## ***How did the initial efforts of the committee you chaired inform or influence the first years of the council?***

I was the chair of a subcommittee that was related to drug and alcohol issues. Everybody pretty much agreed that all the vessels needed to be dry and the drug testing should be standard operating procedure.

## ***What are the lessons we have learned?***

You can get a large group of diverse interests and set up a mechanism to attack a common problem. From a very large group of diverse people the very best comes out.

# Mark Hutton

*Hutton served as liaison between Jim Hermiller, then president of Alyeska, during and after the formation of the council.*

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## **How and why was the council formed?**

Sometimes memories are colored by the hope of what you thought you were trying to do and not necessarily exactly the way it happened. Twenty years ago was a long time ago, and this is my best recollection.

Jim Hermiller wanted lessons learned and a road map for the future. He wanted to know what the company could have done differently. He also wanted to find a better way to do business. He had an idea that maybe it was possible to involve stakeholders to a small degree, that doing that might eliminate complacency at a higher level in the oil company.

He had this altruistic thought around the same time a Sullom Voe-type organization was being pushed in Congress by Rick Steiner and those he represented. Jim Hermiller knew that there was something that was important to do, but nobody knew exactly what it was. At the same time, there was legislation that was being talked about that would do the same thing.

In the end, Jim wanted to form an organization in a likeness where he could shape it to where it would be beneficial to all parties.

## **What was your role in the formation of the council?**

I was a paid consultant for Jim Hermiller at Alyeska. I was a direct liaison between him and the people who were discussing forming the RCAC. Having spent a lot of time in Cordova, I had personal friendships there, Rick Steiner and Bob Blake in particular, and a bunch of people who were involved in wanting to see something happen. So I was used as an introduction person to gather ideas and bring them to Jim Hermiller. We would then talk about the things I thought were important, and what he thought was important, and we'd try to broker a middle ground between all those people that wanted something

to happen, and Jim's desire to cause it to happen more so than have legislation forcing him into one direction or another, in my opinion.

I was one set of his eyes and ears. I was a go-between between parties on all sides because I knew them personally and professionally. My role was to carry information back and forth and help shape the process so that everyone had a stake in something that would be good for everybody.

## **What are some of the positives and negatives about how the council was set up?**

I drove Jim Hermiller to the signing of the contract, and his last question to me was, "Are we doing the right thing?" He felt that in the end it all boils down to the quality of the people and the purity of their intention, as to whether things do or do not work out, regardless of legislation. Jim was concerned that the people we had in the beginning were all reasonable, mature people and that the process would work so long as there were reasonable and mature people. He always feared the day when you have an organization with unlimited power and virtually unlimited money and you did not have reasonable and fair people. The downside was you could never choose the quality of the people who would be in it. The upside is that it fixed in concrete an oversight that has probably eliminated complacency for all time.

## **In a perfect world, what would you change about the council?**

I think the RCAC is guilty of the same sins of bureaucracy as bureaucracies are, which is that they sometimes are not efficient in a business sense, and inefficiency in a business sense leads to waste.

***What are the lessons we have learned?***

Probably what we called the Steiner lessons. We are oil dependent and we will never change and because of that we accept the inherit risks of providing that fuel to our society. We know we cannot clean up a spill. We know that we have to prevent a spill. We know that you have to have some oversight to a degree to prevent complacency and downsizing. And we've learned it's possible for a place like Prince William Sound to offer stakeholder interest and expertise with industry interest and expertise and have a system that runs fairly smoothly. Some pretty big lessons, really.

# Tony Joslyn

*Joslyn represented the City of Homer on the council's board of directors from March 1991 to April 1992.*

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## **How and why was the council formed?**

I believe it was a community concern following up on the Exxon Valdez oil spill. I believe that inside and outside the waterfront industry and local groups, there was a dilemma as to what people were being told, what the result of the spill was, and how bad it really was. I don't think people really trusted the industry at the time, and possibly other officials as to how much of a disaster this was.

## **What was your role in the forming of the council?**

I have been a pilot for SWAPA (Southwestern Alaska Pilots' Association) for 32 years. There was a vacancy on the Homer City Council, and they decided that someone who was involved in shipping rather than fishing or the community at large, might be good thing, as there was not a lot of trust for the oil industry. I attended several meetings with the Cook Inlet RCAC, but I did not become a member.

The various communities were setting up the RCAC and I was asked to participate, representing the pilots. Some people in the fisheries and other groups were disappointed that I did it. I think they assumed that the pilots were too cozy with the industry. I don't think they understood the nature of pilotage, which is that you're not allowed by law to work directly for an oil company. The reason you have pilot associations is you are directly responsible to the state and secondarily to the federal government. We're part of the 'be careful mechanism.' Basically we're here to protect our sacred rocks from their dirty ships, that's the shortest of all possible versions.

The Coast Guard never wanted to get into the fatigue issues, how long a watch we were standing at the time of the oil spill. Since then, we have gotten into fairly strong regulatory oversight with regard to that.

As professional mariners, we're probably more defensive of the people in the industry who do a good job, people that the environmental community doesn't know, just as we don't know their representatives and they don't know ours. I tried to represent Homer and the maritime community as best I could.

## **What are the negatives and positives about how the council was set up?**

To me it's all positive. The presence of the RCAC helps make sure that the oil spill will always be a collective memory, and it keeps people determined that we will never have another spill like Exxon Valdez again. RCAC keeps beating the drum for safety and that's a real worthwhile effort.

## **In a perfect world what would you change about the council?**

There are various entities represented, tourist entities, native entities, so it may be a little unbalanced, but still it does represent those most concerned. A lot of those folks were wounded and they have long memories, and there's a value in that.

## **What are the lessons we have learned?**

Vigilance. I know it changed things on every American flag ship, such as alcohol testing. There are fewer cracks now than there used to be.

# Marilyn Leland

*Leland represented the Cordova District Fishermen United on the council's board of directors from July 1989 to September 1991.*

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## **How and why was the council formed?**

At that time I was at Cordova District Fishermen United. After the Exxon Valdez oil spill, a couple of local fishermen, David Grimes and Rick Steiner, and I started discussing the idea of a citizens' advisory council. It was something that had been talked about before the pipeline had been built, but the idea had never been picked up on. In mid-April, Rick and David made arrangements to meet with the new president of Alyeska Pipeline, Jim Hermiller. They went to Valdez and presented the idea of creating a citizens advisory council. Hermiller agreed that it was a good idea, and so it was launched.

From there, I worked with Mark Hutton, who was doing contract work with Alyeska, to look at who should be invited to put this group together. Alyeska was issuing invitations to people, but we were making suggestions. We wanted to make sure that we had all the interested parties involved, looking at the whole impact area, not only the cities and boroughs, but the interest groups as well.

We had our first meeting late June or mid-July of the people we had pulled together. There were 13 of us at that point. For several months we met at least twice a month.

The first meeting was very interesting. Peoples' emotions were still pretty much right on the surface, so there were some tense moments. However, the way I saw it, especially in the earliest days, there was an enormous feeling of working together to bring this group to its full potential. There was no sense of territoriality. Alyeska was there; they were on board with it, their new president wanted them to attend the meetings.

The group had two tasks. The first was to review the new response plan that was being written and to give advice on it. Second, we were also negotiating a contract with Alyeska,

which we ended up signing in February of 1990.

## **What was your role in the formation of the council?**

I represented CDFU at the RCAC meetings and I chaired the contract negotiating committee. I was also a member of the Executive Committee and Secretary.

## **What are the positives and negatives about the way the council was set up?**

If I had known then what I know now, I would have put in the bylaws that the registered office of the corporation is Anchorage, Alaska. A couple of times RCAC has gone through a dispute about moving the entire operation to Valdez, and it has been incredibly divisive. It's shortsighted and we don't need to go through that drama again. I think if that ever does happen, the members outside of Valdez will be disenfranchised and lose interest in the mission of RCAC.

But all in all I think, when you consider that we had never done anything like this before, people did a really good job of pulling things together. It's a one-of-a-kind contract that I don't think exists in industries anywhere else and, unfortunately, only has a chance of being accepted by industry in the face of a major disaster like the Exxon Valdez. Rick Steiner has continued trying to carry the word literally around the world.

When we first got started, the first few meetings, the only issue on the table was oil spill response, but there were a few of us who worked hard to get the mission to include all the environmental impacts of the tankers and terminal. That was somewhat of a contentious issue, but it got resolved within about three meetings, then we took on all the environmental impacts. There was so much work that the RCAC ended up doing, invasive species and air quality, just

to name a couple; none of that would have been included if it had remained what it started out being.

### ***In a perfect world, what would you change about the council if you could?***

I actually think that the RCAC as it exists today is very good. There are challenges with any non-profit being organized with a very large volunteer board of directors and I don't think that can be avoided. One change I would like to see is for the board to make a final and binding agreement that the issue of moving the operation to Valdez is closed. When it has come up in the past, it has been extremely damaging to the organization. If it were to happen, RCAC would lose several excellent staff and I believe it would damage the relationship between the member entities.

### ***What are the lessons we've learned in the last twenty years?***

A lesson learned is that it's better to have the stakeholders involved before a disaster happens so that you at least have a bit of a trust level established. Today there are regular drills. We know the people involved and the level of trust has grown. If something calamitous happens, we'll know who to pick up the phone and call.

The really important thing about the contract was, we had to be funded well enough to be able to hire experts, predominantly scientists, to do studies and make recommendations; we needed money to compete with the experts that the oil industry was coming up with. The contract allowed us to be independent. We gave Alyeska advice. We couldn't make them do anything, but they had to listen to our advice and they had to respond to our advice. They could comment and give feedback, but they didn't have a say in the final decision on our advice. When the decisions on what the advice would be were made and votes were taken, the shippers and the oil industry did not have a vote.

At those early meetings, I think there were

people from Alyeska who were skeptical and they didn't really want to participate, but I think there was also a lot of people from Alyeska who were glad we were there because we helped them to do their jobs better. Our presence lent weight to things they may have wanted to do anyway, and we may have made that a little easier for them.

### ***How did the initial efforts of the committee you chaired inform or influence the first years of the council?***

The committee was negotiating the contract with Alyeska and that was the basis for everything that exists today. I would say that we got most of what we wanted in the contract. One issue that was debated was renegotiating the funding level every three years. The committee wanted an automatic cost of living factored in, but agreed to the renegotiation that Alyeska wanted. Up until I left the council five years ago, there was only one renegotiation period where cost of living was not added, so I believe the spirit of what we wanted has happened.

### ***How did your committee's efforts and research help develop relationships with industry and agencies in the first years of the council?***

By "committee's efforts," I'm assuming you mean the RCAC as a whole, not the Contract Committee, so I'll answer the question for my thoughts on RCAC as a whole.

Our first charge other than negotiating the contract was to assist Alyeska in rewriting their oil spill response plan. Prior to that time, citizens in the affected areas had no say in the planning process or the oil spill response plan. This actually gave us a seat at the table and we were able to give input using our local knowledge. We were also able to insert local fishermen and their boats into the response plan. That was something that had never been done before and, in fact, in the early days of the spill had been rejected by Alyeska and Exxon. In fact, when

I talked to Alyeska and offered assistance from some of our fishermen, I was told "we can't afford the liability of using amateurs." The good news is that now, Alyeska and the shippers now know that Alaska fishermen are professionals and the most qualified to assist in a response.

# Senator Frank Murkowski

*Murkowski was a U.S. Senator from Alaska in March 1989, helped craft the Oil Pollution Act of 1990, and proposed an amendment to require citizens' oversight councils for Prince William Sound and Cook Inlet.*

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## **How and why was the council formed?**

It was determined that there was very little structure in existence in Prince William Sound that involved the citizenry or the general community. The observation after the Exxon Valdez oil spill was that had there been some type of structured organization, there would have been involvement by the participants in the community, people who had an equity interest, rather than people who were hired for seasonal activity, whether it was people in the fishing industry or coastal activities of any kind. There needed to be some type of an organization that would include and involve them in policy making to make sure that an accident of this nature was unlikely to happen again because there would be a coordinated process of generating information from local people who had the overall interests of the area at stake, or their livelihoods, for that matter.

The question was what kind of an organization could be developed, and from that need there was a lot of discussion.

There was a recognition that Exxon had had an accident in Sullom Voe, up in the North Sea, where they had a tanker that hit a breakwater. In that very isolated area they formed a group of people who lived off the land and off the sea, to work with government and industry to ensure that an awareness level was maintained and that the local people had a role in maintaining an alertness and a state of readiness and had communication procedures.

We were searching for a model so that we didn't have to reinvent the wheel, so I sent two of my staff to Sullom Voe. They spent some time meeting with the community leaders, getting a feel for how the organization was structured, and they came back and we put all that information together in legislation form and we passed it and it became law.

## **What was your role in the formation of the council?**

It was clear that there was a need for it. I had the oversight of the energy committee, so it fell within my scope of responsibility to help put together the structure based on what had happened in Sullom Voe. We held hearings and put the legislation together. As I recall, Senator Jackson from the state of Washington was very helpful.

## **What are some of the negatives and positives about how the council was set up?**

Some will say the decision-making process doesn't necessarily bind the industry, as an example, and the advisory recommendations can't necessarily bind the industry. On the other hand, from the industry's point of view, the awareness that there is a risk of an exposure puts them on notice, and they're not in business to have accidents if they can avoid them because they are very costly and they affect public relations and on and on and on. So while you have those critics of it, you also have as a consequence of the criticism, a characterization of certain awareness and response to those criticisms, so it gives it a fair balance. Nothing is perfect. You have the groups differing on certain points of view, but those points of view are considered and neither side can afford to ignore them because they do so at their peril.

## **In a perfect world, what would you change about the council?**

It's a give and take process, and that's what it was set up to do. Some people say the RCAC has too much input into industry and some people say we shouldn't be shipping oil because it's too dangerous. On the other hand, reason dic-

tates that the world moves by oil, and though we have all kinds of alternative energy, for the foreseeable future we are a world that uses oil.

***What are the lessons we have learned?***

We have advanced technology, we have procedures, we have escorts, we have cleanup, we have better communications. At a certain wind velocity we don't bring ships in, we leave them at anchor, so we're taking responsible precautions and we'll continue to do so. If we ever get to the point of gas to liquids, we won't have quite the exposure we do with crude oil, but we're a long way away from that. The communications, I think, is one of the major lessons learned from the Exxon Valdez accident.

# Tim Robertson

*Robertson represented the City of Seldovia on the council's board of directors from July 1989 to December 1991.*

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## **How and why was the council formed?**

After the Exxon Valdez oil spill, there was a movement by Senator Murkowski's office to create some sort of citizens' council. That was spawned by Rick Steiner after his trip to Scotland, where they have a citizens' council at Sullom Voe that looks over a terminal for one of the North Sea production areas. Rick came back and Senator Murkowski's staff wrote some proposed legislation and threw it in the hopper with the package that eventually became OPA '90.

At that point in time, I think, Alyeska saw the writing on the wall and decided they wanted to get out ahead of the legislative process so that they would have some opportunity to shape what a citizens input process might be. So they sent around a consultant, a retired Coast Guard admiral. He came around to all the communities and talked to some of the stakeholder groups, and indicated that industry had an interest in creating a citizens' council. So they hosted a meeting in Anchorage that was attended by a lot of the oiled mayors group and different representatives from different communities. That original group was called the Alyeska Citizens' Advisory Council.

It was a little bit edgy at first. It was held in what was known then as the Clarion Hotel. We were all together in a big room. There were some speeches by industry at the beginning, saying that they wanted to do this. Jim Hermiller was the president of Alyeska at the time and Mike Williams was vice president; they were both there. It became Mike's job to kind of shepherd the process along from their perspective. But they were pretty open to how we organized ourselves.

I was appointed as the representative from the city of Seldovia, and it was essentially formed

as a group there, the charge of which became to create what became the Prince William Sound RCAC. So it was our job to write the documents that incorporated the organization, and write the bylaws, and negotiate the funding with Alyeska. At the same time, we worked with Sen. Murkowski's staff and modified the language that he had put in for the bill for the RCACs and had essentially a draft that was very close to the bill that became law.

There were then many subsequent meetings. I think we met every other week for a period of time as we decided who we were and what we were going to be. In a lot of cases there was nobody from Alyeska in the room, and if we wanted to meet privately, that was fine with them. There was some angst, though. There were several people who thought that we were being co-opted and that this would not work out, and that it would eventually become so influenced by the industry that it would be ineffective.

In the beginning there was a lot of participation by members of the oiled mayors group. I think they had some different viewpoints from the people that were more representing citizen stakeholders, the fishermen, environmental groups, Native groups, so there was a little bit of mistrust. But there was also a tremendous willingness to come to the table and work real hard. I remember Chris Gates from Seward, he was the port director. We elected him as our first chair, and he did an amazing job of guiding everyone along. I think for the most part the group worked very cooperatively.

There's a lot of tedium involved in writing bylaws and incorporating things and lobbying Congress and writing legislative language. So it wasn't always real emotional. A lot of times it was a lot of knuckling down and doing the work and discussing as a committee the pros and cons

of whatever the point was in front of you, and then voting on it. But I think for the most part it was a real good consensus. The majority of the big decisions like what the bylaws would be, we ended up with unanimous consensus on those items.

There was a lot of discussion about membership, who got to be a member and who didn't. At the ACAC level it was kind of a free for all, if you will. The legislation established the memberships, but more people wanted to be at the table than would make an effective organization so there was some sorting out of memberships at the beginning.

### ***What was your role in the formation of the council?***

I was a delegate from the city of Seldovia and I sat on the OSPR Committee. At the time that we incorporated and then elected officers, we elected four vice presidents. The office that I got elected to was something like vice president for oil spill prevention and response. During this whole period of time there were other things moving forward, and one of the things that Alyeska was doing was writing their new contingency plan for oil spills in Prince William Sound. They wanted input from the ACAC on that, so one of the other things we did besides incorporating ourselves was we went through the process of reviewing and writing comments on that contingency plan. As vice president for oil spill prevention and response, I took on that role, so my contribution was to shepherd along the review and comment process on their contingency plan.

### ***What are some of the positives and negatives about how the council was set up?***

To me, the positives are that it gives the citizens a say in the way oil production and transportation occurs in our area. I don't think the industry ever realized how much a group like

RCAC could leverage the dollars they have. The industry essentially has to pay everyone that has to do anything on their behalf handsomely, and a citizens' organization doesn't really have to do that.

There were tens of thousands of volunteer hours in the first few years of the organization. When you have that kind of volunteer effort, and then on top of that you can fund travel and meeting locations, and legal expertise, and technical expertise to advise the volunteers, you're leveraging their dollars way beyond what they can do with those same dollars, and I don't think they realized or expected that.

There was a lot of emotion and a lot of energy that came out of the oil spill by people who were upset by the fact that it happened to us, and it gave a channel for that energy and that emotion to do something positive. Those are all really good things.

The downside is that we are sort of dependent on the industry for the funds, although I haven't seen that to be a tremendous downside.

I've experienced both of the RCAC organizations and I think there is always the potential to get co-opted, but I don't really see that as having happened with the Prince William Sound RCAC, for sure.

### ***In a perfect world, what would you change about the council?***

I don't know how to implement this, but I would like to see the representatives that sit at the table be somehow held responsible for making sure that they go back to, and inform and give input from the stakeholders that they are there to represent. There is a wide disparity in how this works. In some cases with some individuals, I think they do make a good effort to do that, and in other cases with other individuals, I think they represent their opinions and their point of view and don't do a whole heckuva lot to go back to their community or their organization or their stakeholder group and say,

hey what do you guys think, these are what the issues are today, this is my recommendation, but what do you think? If I was going to change something, that would be the number one thing I would change.

### ***How did the initial efforts of the committee you chaired inform or influence the first years of the council?***

The committees are the worker bees. In the early years of the organization it was very much a volunteer-driven organization. There was minimal staff, and the staff had their hands full doing administrative work, so the committee chairs and the volunteers on the committee did the lion's share of the technical work.

There were huge issues in terms of oil spill prevention and response, and the committee that I chaired put a tremendous amount of effort and time into meeting with Alyeska. This was during the formation of SERVS. As the new laws got passed, they had to be implemented in terms of regulation, so those regulations had to be written and interpreted. Contingency plans had to be developed that met those recommendations. That committee was extremely involved in every step of the process. There were people there who put in literally tens of thousands of hours over the first five years of the organization, involving themselves in that process, I think in some cases to their own detriment, in terms of losing focus for the other things that were going on in their lives.

How did your committee's efforts and research help develop relationships with industry and agencies in the first years of the council?

We got to know them, for one thing. For the most part, if the industry and agency people knew people at all it was always from what they said standing at a podium in a tense room with a lot of anxiety and anger being expressed. What the RCAC process did was it gave us a chance to sit down at the table as a peer, and a process to develop regulations, as a process to

develop contingency plans.

Working through the tedium and the detail of those processes, it gives you a whole different perspective on someone than when you put something out there for public comment and they either write you a letter or you stand at a podium and give your three-minutes of comment.

So we got to spend literally thousands of hours with the regulators and with the people at Alyeska SERVS. And it wasn't always an agreeable process, but it was one where there was mutual respect and a lot of learning went on, on both sides. People who had no technical background on oil spill response got a good education on what is and isn't possible to do. And I think that people who were involved in oil spill response and some of the regulators got a good perspective of what it is and isn't possible to do on the water from people who had spent their lives fishing and working on the water.

The huge accomplishment was the near shore response capability that we first insisted that they develop and then helped develop once they came around to the idea that you could use fishermen and fishing vessels to man a response capability that would be effective. Our committee had a lot to do with that, and with the fishing vessel program that essentially registered and trained and contracted with fishing vessel owners to become part of both the near shore response and other parts of the response, the burning, the wildlife recovery, all those components in the existing contingency plan, to contemplate and use local fishermen. That committee had a huge role in making that happen.

### ***What are the lessons we have learned?***

That you can get a lot further by working cooperatively than by being adversarial. Sometimes the right thing to do is to be adversarial, but most of the time the right path is working cooperatively together, understanding the other side's point of view, and trying to accommodate that and trying to seek out a way that meets both

your needs and the other parties' needs. That's a big lesson.

I think allowing citizens to have a say, to sit at the table, has been a tremendous benefit. You never know how things would have gone if there hadn't have been an RCAC, but you can look at other parts of the world such as the Gulf Coast and see how disconnected the people who utilize the water there are from the industry. We don't have that issue in Alaska anymore.

# Linda Robinson

*Robinson was one of the first staff members, hired as administrative assistant in 1990. She later served as financial manager and outreach coordinator.*

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## **How and why was the council formed?**

The oil spill affected a lot of people. In particular, it affected subsistence users and commercial fisherman, whose life styles radically changed.

Fortunately some people had already begun talking about citizen oversight. I think it takes a strongly committed person to get that ball rolling, and there were a number of them who were committed to finding a way to protect where they lived and ensure that industry was operating safely.

I was living in Dillingham at the time of the spill, so what I knew of it was what I saw on television: you just stare at it and you can't believe that it's really happening. I wasn't connected with the Prince William Sound RCAC at all until I moved to Anchorage, in July of 1990.

## **What was your role in the formation of the council?**

The board contracted with someone to be the executive director and then hired another woman to be her assistant. By that time I had moved to Anchorage and was looking for a part-time job. Prince William Sound RCAC was looking for someone to be administrative assistant. Shortly after I started, the first employee quit so I became full time. My job included answering the phone, ordering furniture, ordering computers, training people on computers, doing payroll, taking minutes, etc. We had to figure everything out with only the aid of a catalogue.

Toward the end of 1990 we started hiring project managers. Joe Banta joined us in October and Joe Bridgman was hired in December. We started out at the Key Bank building on Fifth Avenue, then moved to an office on Second Avenue, then we moved to the current office in Spenard.

## **What are some of the negatives and positives about how the council was set up?**

There are 20 people on the board right now. It's important that it represents all the affected communities, but it's pretty unwieldy at times. The one thing that joins everyone is their pride in our mission. Even though the board members may have different political beliefs, they have that one thing that ties them all together; they truly want to see industry work safely.

We do have good representation. Most issues are worked out with the full council, which gives the organization strength. Having so many people from totally different backgrounds agreeing on things really gives the group an undivided front.

## **In a perfect world, what would you change about the council?**

I think it's important that the board members are determined by the Prince William Sound RCAC members and that they are not political appointments.

## **What are the lessons we have learned?**

We have learned that citizens can actually have a say in what goes on in the oil industry. I think we all agree that we need extraction industries, but they need to be held accountable and it's a good lesson learned that citizens can ensure that. I am very proud of what the organization has been able to accomplish because it is one of only a few such groups in the world.

# Anne Rothe

*Rothe represented the National Wildlife Federation on the council's board of directors from July 1989 to December 1993.*

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## **How and why was the council formed?**

My understanding is that the initial idea of RCAC actually came from Jim Hermiller. There was sort of a confluence of various forces, first with Jim coming in as the new CEO of Alyeska, and his realization that things needed to be done differently based on what he saw as a result of the oil spill. There was a group of activists in Cordova who had been talking to people in Scotland about what had been going on in Sullom Voe, and whether or not it was a good idea to have this kind of oversight group in Alaska.

Immediately after the spill there was the formation of a group called the Oiled Mayors. They came together because they saw that basically Exxon was playing one community against another and they felt that they needed to have a united voice.

From my memory and my perspective, the timing was such that three things or three efforts came together: one, Jim Hermiller took the initiative to call people and get them engaged in the idea of establishing a citizen oversight council. Two, the Oiled Mayors were on board immediately and many of the people who were members of that board ended up on the initial RCAC board formed by Hermiller. Three, people from Cordova who were represented on the initial RCAC by their attorney also had some input in the design of it.

All these folks saw the need to have engagement by all the people most directly affected by the operations of the trans-Alaska pipeline terminal, engaged in or providing advice to the operators.

## **What was your role in the formation of the council?**

I was asked by the consultants that Jim Hermiller hired if I would join the group that Alyeska was forming. The reason was that they

needed someone to represent the conservation organizations in Alaska and because of the National Wildlife Federation's engagement in responding to the oil spill in terms of really pushing for changes in regulatory policy. Also, frankly, the NWF was viewed as not being radical or controversial.

## **What do you see as the negatives and positives about the way the council was set up?**

Positives: The timing was such that the specter of having this kind of oversight council imposed on industry by federal law created an atmosphere or willingness on the part of Alyeska to negotiate with the members of this group, which gave us far more power and autonomy had that not been the case. It was the perfect storm in terms of pending legislation, public opinion, plus a lot of anger that was directed at Alyeska that put us in the driver's seat in a lot of ways. Getting that independent funding was critical. If you look at Cook Inlet RCAC, it's a totally different beast. That's because they have to go to industry every year to ask for money. The contract that exists for PWSRCAC guarantees their funding, so it's truly independent.

Negatives: The original RCAC negotiated a contract with Alyeska to provide funding. The threat of having that group imposed on them in the Oil Pollution Act was what drove those negotiations. Having said that, the Oil Pollution Act did pass, and there is language in there requiring the establishment of an RCAC. Every year the U.S. Coast Guard must certify that the existing RCAC meets the intentions of those provisions of the Oil Pollution Act. That's the negative: it requires certification by the Coast Guard every year, which gives the Coast Guard a lot of power over the RCAC.

### ***In a perfect world what would you change about the council?***

I don't know enough about current operations to know what needs to be changed. I think it's a pretty revolutionary idea that has had positive impacts all over the world. Again, the only downside of trying to translate this to other parts of the world is the idea of granting this kind of group a level of autonomy that allows them to step out and criticize industry and really demand changes. But I know that in other places where they've tried to establish these kinds of organizations, where there isn't a guaranteed source of funding or industry isn't required to provide a minimum amount each year, it just doesn't work.

### ***What are the lessons we have learned these past 20-some years?***

That it is essential that those people most directly impacted by industry operations should be engaged in determining how those operations happen. There are so many places all over the world where things are imposed on people, they suffer consequences, and they have no power to speak to industry to make changes such that those consequences either are lessened or in some way mitigated. RCAC is a powerful organization in that it really is an example of how people need to be engaged in decision making regarding development that directly impacts them.

The other is a lesson that industry needs to learn. They aren't going to be successful if they don't have that level of engagement.

# Jerome Selby

*Selby represented the Kodiak Island Borough on the council's board of directors from July 1989 to January 1990.*

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## **How and why was the council formed?**

It was formed in response to the Exxon Valdez oil spill and authorized by the Oil Pollution Act of 1990. The idea was to make sure that another oil spill like the Exxon Valdez never happened in Alaska.

## **What was your role in the formation of the council?**

I was in the group that put together the by-laws and the structure for the Prince William Sound RCAC.

## **What were the negatives and positives about how the council was set up?**

It was mostly positive. There was a fair amount of work to be accomplished, and there were several of us who wanted to make sure that we took a balanced approach to dealing with oil issues. We were there to make sure things didn't swing too far in favor of the oil companies and they didn't swing too far in favor of the environmentalists. I think most of us were more in the center and we could recognize and appreciate the values of both.

All we needed was an organization that steered that same course, that worked with the oil companies but didn't give them everything they wanted. When the RCAC needed industry to do something, we were there to make them do it. It was the same thing with the environmentalists. We wanted to be environmentally responsible but not to the point where it was mostly a punitive measure against the oil companies.

## **In a perfect world, what would you change about the council?**

I don't think I'd change anything about the RCAC. I think they're doing a good job and,

from my perspective, the organization has performed admirably. It has really adhered to our intentions.

## **What are the lessons we have learned?**

I would sum it up by saying that we don't want to spill oil and that's really what the Prince William Sound Regional Citizens' Advisory Council is all about. It's about keeping a close eye on how everything is working in terms of handling the oil and ship traffic in particular, and being vigilant about what the oil companies are doing in terms of the terminal and air quality, as well as the vessels. All in all it comes down to staying on top of and paying attention to all the various aspects of the oil industry. We can do this safely and environmentally soundly and still keep oil flowing on a regular basis. That's the lesson for me.

# Stan Stanley

*Stanley was one of the first staff members. He managed projects for the Port Operations and Vessel Traffic System Committee and later served as executive director.*

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## **How and why was the council formed?**

It was formed because of the environmental concerns after the Exxon Valdez oil spill and the fact that the Oil Pollution Act of 1990 was passed, which authorized the RCAC and required the oil companies to fund it.

## **What was your role in the formation of the council?**

Sheila Gottehrer and Linda Robinson had pretty much put the RCAC together. They advertised for people to work for them, and I interviewed for the Port Operation and Vessel Traffic Systems committee. I was selected because I was a retired Coast Guard captain and I was familiar with Prince William Sound on the water.

As staff member for the Port Operation Vessel Traffic System committee, I was responsible for doing whatever they needed, research, preparations, information about vessel traffic, various kinds of paperwork. I attended a lot of meetings and supported the committee when they made their presentations to the board of directors.

As the organization grew, when Sheila decided she needed a deputy director, I was selected. As deputy director, I did the paperwork and processing of things and supported the executive director. When Sheila left RCAC, I applied for and was accepted to be the executive director. As executive director, I supported the board of directors.

## **What are the positives and negatives about how the council was set up?**

I used to kid about "Meetings R Us" because in the early days we attended so many meetings. All in all, I think the RCAC was set up very well. I think it was a hard time for the oil companies to accept that citizens should have any say about anything having to do with them. I can kind of

understand that, because, if I'm the captain of a military ship, I wouldn't expect civilians to tell me how to run my ship. I think that's essentially the way the oil companies felt about it. I think ultimately it worked out extremely well because we managed to realize that everybody had the same goal. None of us wanted to have another oil spill and if we did, we wanted to have something in place that was going to mitigate it to the maximum extent, and hopefully prevent it in the first place. In the beginning it was a little contentious between the oil companies and the RCAC. They weren't sure why we were even there. It took a bit of doing, but there were some really good people in RCAC. There was a lot of passion among the people that were there. It was an interesting place to work.

## **In a perfect world, what would you change about the council?**

After I became executive director, I felt the board of directors needed to take a more active role in directing the committees. In my opinion, the committees at one point seemed to think that they were the RCAC, and that the board of directors should rubber-stamp whatever they came up with. I didn't think that's the way it should be, so I made a slight change in that.

I'm not sure I would change anything else about it. You need very impassioned people who are willing to pursue their point of view to make any type of change in the way people do things, and I think RCAC made a big and positive change in how the oil companies proceeded after the Exxon Valdez.

## **What are the lessons we have learned?**

I think we've learned that there are mitigating factors that can be put in place to hopefully prevent a future spill. And in the event of a future spill, to mitigate it to the maximum extent

possible. I hope that the oil companies and the citizens have learned that it takes a joint effort between the two. It's not one side or the other. Certainly the citizens cannot put in place anything that is going to absolutely ensure that a tanker never runs aground, but we all need to recognize that we're not enemies. Of course the oil companies are interested in the bottom line and they have to be. That's how they make their money.

I think we've got some good people in the RCAC, like Joe Banta, and the crown jewel, Stan Stephens. He puts his whole soul into what he believes in. I think the group that they have now is the best possible combination that can be had. I just hope that the gains that have been made over the years don't become lost, and I hope that people don't become complacent.

# Rick Steiner

*Steiner was a marine conservation professor in Cordova in 1989. He was promoting the idea of a citizens' council before the spill, and continues to advocate for citizen oversight of extraction industries worldwide.*

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## **How and why was the council formed?**

In 1986, I was living in Cordova, working as a fisherman and also as a university marine advisor for the region. I was dealing with Alyeska on the issue of ballast water treatment, specifically with Chuck Hamel, who was raising concerns that it wasn't working adequately. He confronted Alyeska, and then he talked to the fishermen in Cordova, wanting them to get involved. So I was appointed to be the technical person to help with the ballast water treatment issue with the terminal. Meanwhile there were all these technical issues regarding tanker trade in Prince William Sound that the federal government and the state really were not on top of.

At that time I learned that in Sullom Voe, Scotland, they had formed an advisory group as soon as they proposed the oil terminal there. Once I became aware of the Shetland Oil Terminal Environment Advisory Group I knew it was a great idea and I thought we should set one up here for the terminal and the tankers.

I took the idea immediately to George Nelson, then president of Alyeska. He basically told me to get lost, that he didn't want citizens breathing down his neck. There was absolutely no political necessity for him to respond favorably to the request at the time.

I then took the idea to our state senator of the region, Mike Szymanski. He liked it, so we broadened the concept and in 1987, we began looking seriously around the nation for other potential models. I was proposing these citizens' advisory councils for all large-scale extractive-industry projects in Alaska, such as large mines and certainly the Prince William Sound oil terminal. As a first step for Alaska, the senator's office drafted a bill to establish an "Environmental and Industrial Dispute Resolution Task Force" to study the concept of industry/

public advisory groups as we had originally proposed.

But that bill was killed right away. The policy folks in the Cowper administration didn't see the need for it and the oil lobby essentially killed it before it moved very far. That was two years prior to the Exxon Valdez. And I've always felt that if we had been successful at establishing the RCAC then, the Exxon Valdez oil spill may never have happened because they would have identified the holes in the tanker safety system.

About two months into the spill, in May of 1989, my friend David Grimes and I traveled to Shetland and Sullom Voe to assess first-hand the spill prevention and response system they had in place there, and in particular SOTEAG. Upon return, I wrote a short concept paper on the Sullom Voe Oil Terminal example, and circulated the paper. Then, on behalf of the fishing industry in the Sound (Cordova District Fishermen United), I convened a private meeting on June 17, 1989, between several PWS fishing industry leaders and representatives from each of the tanker shipping companies. I rented a conference room in Anchorage at the Captain Cook. Alyeska was present, and there was at least one representative from each of the various oil shipping companies in the TAPS. Importantly, government was not involved in this meeting; it was fishing-industry-to-oil-industry. At that meeting, we presented a list of demands to the oil industry regarding the oil spill and one of them was the establishment of a citizens' advisory council for the region. The oil industry, particularly Alyeska and BP, was very receptive to the citizens' advisory council idea. After we adjourned the meeting, the Alyeska reps immediately called BP London and told us they got approval to establish a Prince William Sound citizens' advisory council. They

weren't quite as agreeable with the other things we proposed in that meeting (double hulls, better vessel traffic systems, etc.), and we had to work things out with them over the next several years. But the June 17, 1989, meeting was when and where the agreement was made to set up the Prince William Sound council.

After that, I, and many others, gave testimony before the Oil Spill Commission, the Oiled Mayors legislative and congressional committees, and various other hearings, and the idea for an RCAC gained broad legitimacy and momentum.

Once we had the agreement from the industry at the June 1989 meeting to establish the RCAC, I circulated the concept paper to the Alaska congressional delegation. Senator Frank Murkowski liked it, and he then followed up by sending two of his staffers over to Sullom Voe, to verify and ground-truth the concept. After that, the Senator inserted the RCACs into OPA '90.

### ***What was your role in the formation of the council?***

Once there was agreement from industry at the June 1989 meeting, and Senator Murkowski put the proposal in OPA '90, then the formative meetings started. I don't remember how those were conducted or who hosted them, but various groups were around the table and we talked about moving forward with the construction of an RCAC. The meetings became contentious at times, and some people even walked out of the meetings. As in any genesis of a brand new concept, there were people with vested ideas about how it should be organized, who should be invited to participate and who should not, how it was structured, how it was funded, and all such things.

### ***What are some of the negatives and positives about how the council was set up?***

Some of the formative meetings were acrimonious at times, and I soon realized that the

council was not going to be set up exactly as I had envisioned it, but that was okay. At least we had everyone around the table.

One of my objections was that we had groups like the Alaska State Chamber of Commerce on the council, and that just didn't seem appropriate. It wasn't in the original vision for what this thing should be. But as far as I know they haven't been barriers to progress, so in hindsight, maybe it was a good thing. There was discussion about how many environmental groups should be included but, like everything else, people just worked through it.

### ***In a perfect world, what would you change about the council?***

Ideally, it would have endowment funding so that it wouldn't have to go to Alyeska every three years for their budget. For instance, let's say they had a hundred-million-dollar initial endowment from industry, off of which they could rely upon their investment earnings of four percent to five percent of the principal, four to five million dollars a year. That way, there's no question whatsoever of the industry attaching egregious conditions to the council's budget. Alternatively, funding could be appropriated via the Oil Spill Liability Trust Fund (which was first established by OPA '90). Anything that puts industry at arms-length in regard to the budget would be a plus for the group.

I don't think there's a lot more that needs to be changed. It's a much more powerful and effective group than the group in Sullom Voe, with a broader mandate. And the Prince William Sound Citizens' Regional Advisory Council is a model for other such efforts around the world.

### ***What are the lessons we have learned?***

That it's absolutely necessary to have citizens involved, providing oversight for large-scale industrial projects that have the potential for affecting the environment and peoples' lives. We need to have these councils established before we have catastrophes rather than after, and not just for catastrophic situations but for everyday

## Stories from a citizens' council

operational concerns as well. Citizens, industry, and government need to talk to each other in a structured way, on a regular basis. Government and industry need active, independent, and credible citizen engagement.

# Stan Stephens

*Stephens represented the Alaska Wilderness Recreation & Tourism Association on the board of directors from March 1992 to January 2008 and Valdez from January 2009 to February 2012.*

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## **How and why was the council formed?**

I had been involved long before we had an oil spill. We realized here in the Valdez area that we had problems not only at the terminal but also that we didn't have the oil spill response equipment or the prevention measures in place that we were promised during the right of way agreements that went on in the '60s and '70s.

I was the head of an ad hoc committee appointed by the mayor to look at both the negatives and positive effects of the oil industry in Valdez. In February of 1989 we had just gone through quite a bad spill at the terminal on one of the tankers. A lot of people thought they had done a great job at cleaning it up. Others, myself included, thought they hadn't. We knew then that if we had a big spill we were in trouble because they didn't have the equipment here.

Neither the state of Alaska nor the federal government had pushed the oil industry to fulfill the promises they had made. Once the spill happened, it became obvious to a lot of us that we couldn't trust the Coast Guard or the state or the federal government to do the oversight that was needed for Prince William Sound.

We can blame the spill on Exxon, but the fact of the matter is that the blame actually goes to everyone. And to me that was the direction we needed to push for, to have a citizen say-so. We had to begin doing things differently.

From my point of view, the failure of oversight by everyone was why we decided we had to have a citizens' oversight council.

## **What was your role in the formation of the council?**

I didn't have a big role. When the group started to form, I was so involved in trying to keep my business alive that I had very little time for anything else. I was doing my part as far as

working with Alyeska and Exxon. But other than talking back and forth with Rick Steiner and Riki Ott and a couple of others, I didn't have much to do with the startup of the RCAC.

## **What are the negatives and positives about the way the council was set up?**

Those of us who were originally involved were pretty overwhelmed with all the stress and harsh conditions that we all went through. Even today it brings back a lot of bad memories. Personally, it turned me strongly against the oil industry and against the state and the federal government. So there was a lot of bitterness.

When you start a group with a lot of people being very bitter, professionalism isn't always what it should be; there's always going to be a mix-up between doing things right and allowing your emotions to get in the way. In the first year or two we had to sort that out.

Once we did that, it became a very efficient machine and we were able to really take a strong look at what we needed to do. When we worked with the oil industry and the shippers and others, it was pretty tough. There was a lot of give and take. Industry had to learn that they had to put up with us and that we had better find a way to work together. But it didn't happen overnight. It took a while.

## **In a perfect world what would you change about the council?**

When we first got involved, we were really involved. We met a lot on teleconference. Sometimes it seemed like we were meeting all the time. For a number of years it pretty much consumed our lives.

As the years went on, with 19 board members, fewer of the people really had the involvement that was needed. What I see today is that the

council seems to be more of a staff operation rather than a board operation. When we first started it was definitely a board-run operation.

### **What are the lessons we've learned these past 20-some years?**

What we have learned and what is very important is that we can make a difference, and that we have made a difference. We work with the shippers and Alyeska and the Coast Guard and a whole bunch of other groups, and I think we've all learned to appreciate each other better and understand each other's roles.

It took a while to learn the culture of the oil industry and how they work; it's quite a system once you learn it. Even the Alyeska owners' committee in Alaska are not decision-makers. They are passer-on-ers, and they pass on to their own higher-ups within Exxon, BP and Conoco. Once you learn that and you learn what the people within the frame of the industry want, you realize that nobody, and I mean nobody, wants an oil spill.

The problem is the culture and the higher-ups and the bottom line, which oversees and overcomes everything. What I have learned is that you have got to find a way to make sure that everything you do, every move you make, has to be professionally done and it absolutely has to be right. You can't go in with emotion. You have to go in and say this is what's happening and this is what we need to do to make sure it's better. We hire some of the best professionals to get that done.

You can't leave the industry with a lot of argument. If you can accomplish that, you can win. And we have won some very strong arguments because we have been right. It's taken a lot of money and a lot of time to get there. I'm a little worried that right now we don't have nearly the strength we did.

### **How did the efforts of the committee you chaired influence the early years?**

I was chair of Port Operations and Vessel Traffic Systems for quite a long time and I got heavily

involved in making sure that we got effective tugs. That's a story all by itself, the battles that went on. Originally the chairmen of committees had to come from members of the board, and it's not that way now.

The state of Alaska originally said the tankers had to have escorts, but the escorts they put on were useless. If ever those tugs were needed, they didn't meet the requirements of a good tug.

I tried to get the committee, which was made up of oil industry people, SERVs, Crowley, and others beside RCAC, plus all the shippers, together. I didn't get anywhere with them, including RCAC. Using my own money, I went with Dan Lawn to Norway and the North Sea out of Germany and England. I looked at their tugs and what they did, and they all had special escort vessels.

Foss in Seattle had a couple of their own, so I went down there and rode some of those tugs. I got a bunch of information about them and brought it all back to the committee and at the first meeting I got shut down by everybody. They said we didn't need them. So what we ended up doing was, we spent all kinds of money doing a tanker towing study and risk assessment. Those assessments proved that what we had couldn't do the job. It proved that anything Crowley had around at the time was not up to the needs as an escort, since they were unable to make a save if they had to under certain conditions.

The tugs I had studied could work in those conditions. It took a long time but we finally ended up with some of the tugs that we needed. I'm still pushing to get rid of three of what we have and get a better design, because I don't think they are capable of doing the job either. The point is it's taken a long time to get the tugs we needed.

Along with that we didn't have the weather buoys we needed in Prince William Sound. When I was on the committee we tried to get NOAA and the federal government to look at putting buoys in the Sound so we would have the wind direction and wave height information needed. Rick Steiner was with me in Washing-

ton, D.C., and NOAA not only said “No,” they said “Hell, no!” Senator Ted Stevens stepped in and added it onto the end of another bill, and we ended up with good weather buoys in the Sound that allow us to determine the conditions that tankers and others had to operate in.

Because of what was learned in a tanker towing study, we set the limits in Hinchinbrook Entrance to when loaded tankers could pass through. We ended up getting weather restrictions set at 15 foot seas or 45 knot winds. Whenever we get those conditions, loaded tankers are not allowed to go through the Hinchinbrook Entrance. The reason for that is, even with the tugs we had, it would be very difficult to make a save. That was a big start; that’s another thing the committee did.

***How did your committee’s efforts and research help develop relationships with industry and agencies in the first years of the council?***

The first years were tough. Port operations worked pretty much with the shippers, and they were definitely 100 per cent against any kind of oversight. I can understand that because I wouldn’t want anyone overseeing my company. It took quite a number of years before that eased up a little bit and we all started to know each other as individuals and everyone realized that what we were asking for were good things. No one wanted an accident. When we started talking about the need for tractor tugs, BP’s head of shipping said that, “If we have to get tractor tugs, we’ll just stop shipping oil.” That’s the kind of threat we got back then.

Once we did towing studies and risk assessment, it became obvious that we had something that the shippers could go back to the owners and higher-ups with and say, “Hey, look, these guys are right. If we have a major accident, it’s going to be 100 per cent our fault because they have proven themselves.”

# Scott Sterling

*Sterling represented the City of Cordova on the council's board of directors from December 1990 to March 1993.*

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## **How and why was the council formed?**

Before the Exxon Valdez tanker disaster, Riki Ott, Rick Steiner, Dan Lawn and other people, fisherman and concerned citizens, tried to address safety concerns with Alyeska. The impetus they created led eventually to the formation of RCAC as a contractual entity with Alyeska. With the enactment with the Oil Pollution Act of 1990 it became part of a process and statutory oversight function. So what started out as a strictly grassroots concerned citizen effort eventually became a model enshrined in federal law that we have today.

There are so many people who deserve credit for identifying the problem and for working so hard. My assessment is that the RCAC never would have come about if concerned residents and citizens of Prince William Sound hadn't cared enough to make it happen.

## **What was your role in the formation of the council?**

I was the Cordova city attorney. Prior to the grounding of the Exxon Valdez I was aware of the fact that people from Cordova and Valdez were very concerned about tanker safety. I wasn't personally involved, I was just someone who was conversant in what was happening because of my work with the city, but I felt that they were on the right track.

It seems to me that there was a contractual agreement to form the organization after Exxon Valdez, and then there was the effort to put it into law. I was more involved in the effort put it into law, but certainly I was advising and informing my client, which was the Cordova city council, of what I knew and what I felt the implications might be for the cities that might be affected by it.

## **What are some of the positives and negatives about how the council was set up?**

I think the positives far outweigh the negatives. The fact that citizens and grassroots organizations in their cities and other interest groups have a very solid, assured voice that guarantees that they will be listened to, and that they can participate in the decisions that affect the traffic in the TAPS system, is very positive.

I think the funding is adequate to make sure its scientific and technical arms are competent. The review process and the addressing of the many engineering, technical, and maritime commerce issues that go into it are understood and reviewed by people with the aid of competent contractors and advisors. That enables a person from a fishing group or a municipality or one of the other constituent members to be effective. I think with proper leadership and good faith you can't expect more from a democracy than people putting their energy into being effective and using their own voices.

On the negative side, because the board is quite large, it's a bit unwieldy. And as with any large organization, not all the constituents of it are in lockstep on all issues. However, I think it is organized to allow for healthy debate.

In the early days we were so caught up in the emotions of the devastation, it was hard to remember that we were trying to launch and stabilize an organization that would exist far into the future, and far beyond the Exxon Valdez disaster itself. You could hardly fault people for being passionate and upset, but it we had to remember that in order to be effective, we had to put our efforts into building a strong foundation for the future and not to be sidetracked too much by the crisis of the day, because there will always be some kind of crisis of the day. The

key is to be ready for it and have a good system for dealing with it.

### ***In a perfect world what would you change about the council?***

I think for a while it was pretty onerous to be overseen by the Coast Guard annually, and I'm glad that that has now changed.

One of the things I would hope is that the RCAC continues to live up to a very high standard of organizational integrity and ethics. Three rules are to stay organized, stay active, and stay informed when you are responding to disasters and crises. I've never forgotten that from my experience with RCAC and the communities of Cordova and Prince William Sound. We did try to build into the council and into the law that staying active and informed and working hard can make positive change happen.

### ***How did the initial efforts of the committee you chaired inform or influence the first years of the council?***

I was chair of the terminal oversight and monitoring committee. We tried to address the issues associated with ballast water treatment and air quality emissions from the terminal. We tried to bring a high level of scientific expertise to the study of these questions, and we tried to learn as much as we could from Alyeska itself and its parent companies. Sometimes we didn't know precisely what to do, so we would just make an educated estimate and go forth from that. Because some of the other committees were dealing effectively with tankers and tanker traffic, we wanted to take a look at the terminal itself, which is an integral part of the marine transportation system but doesn't get featured like a tanker would, because tankers are more visible and probably pose a larger risk. But to the people who live in Valdez and in the surrounding area, the terminal is a big part of life, it employs many people, and it's extremely important. TAPS, the terminal, the entire system, marine and otherwise, it is a national asset.

It is a national level industrial facility with international importance. So for local people to get a grip on that and understand just how vast and important this facility is was a big step.

### ***How did your committee's efforts and research help develop relationships with industry and agencies in the first years of the council?***

We tried to deal in good faith with a high degree of civility and professionalism, but it did get contentious at times. Part of that was due to the extreme sensitivity to the disaster itself. Building trust was not easy and it took a lot of work and a lot of time. On top of that, we had to learn the technical aspects of what we were dealing with. We had to learn to understand and address the technical and engineering questions, the consciousness of the global oil industry and the role that TAPS and Alyeska and its parents companies all play. We had to raise our consciousness greatly to understand how the oil industry views things, and the role it plays in international oil supply and demand and international oil economics.

Safety is bound up with all the other issues that affect the industry. It has economic implications, it has legal implications, it has management implications, it has political implications. Every sphere of human endeavor is affected by safety and concentrating the intelligent discussion that keeps you mindful of all that is an education, to say the least. In the realm of politics and safety and engineering and commerce and maritime law, it just goes on and on. It was pointed out to me that you cannot become an instant expert on everything and you probably shouldn't even try, but what you should do is keep in mind the goal and learn what you need to learn. Don't try to be an instant expert because that can lead you down the wrong path. So that was me, I was a lawyer generalist, I didn't try to become an expert on anything, I just tried to keep in mind the goals.

### ***What are the lessons we have learned?***

There are no guarantees that can absolutely insure against any kind of mishap or disaster, but the entire process of enhancing safety is greatly benefited by having the local people who know local conditions and who care about the locality where they live take part in the decision making process. By that I don't mean that they share authority, but their input is solicited and appreciated. Even when there are disagreements they are transparent and principled disagreements.

Eternal vigilance is the price of safety. Oil will be spilled inevitably, given modern society's dependence on it. Doing the very best to minimize that risk is what it's all about.

# Mead Treadwell

*Treadwell represented the City of Cordova on the council's board of directors from August 1989 to December 1990.*

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## **How and why was the council formed?**

RCAC was formed because people felt there was complacency that had led to the Exxon Valdez disaster. The captain was drunk. The Coast Guard was not watching. Alyeska's response barge was covered with snow, and ADEC's enforcement of existing contingency plan readiness failed. RCAC was envisioned as a way that the communities could be involved to fight that complacency or some mechanism could be set up to fight that complacency. It would be a major support to the prevention that everyone agreed had to happen.

There were certain players who had a role in generating the idea. There was a visit from Jonathan Wills of Shetland, Scotland to Cordova and Prince William Sound very early after the spill. He made the suggestion that if you had the citizen oversight they had in Sullom Voe, that could have made a difference. After receiving Jonathan Wills, David Grimes and Rick Steiner actually went to Shetland. Senator Murkowski also sent two staffers to Sullom Voe fairly early on.

There were a number of pieces of legislation that all came together as the Oil Pollution Act of 1990. It became very fairly obvious that Senator Murkowski was going to sponsor and craft draft RCAC legislation within the delegation. Murkowski, Ted Stevens and Don Young worked on that together. But I have to say that in my opinion, the RCAC probably would not have existed had not been for Jonathan Wills, Rick Steiner and David Grimes.

## **What was your role in the formation of the council?**

I was a consultant and a city official in Cordova. My job title was director of the Cordova Oil Spill Response Office. My job was to coordinate the city's response to all things spill and to re-

port to the mayor, the city council and the city manager. We dealt with short term challenges such as finding ways to wash boats and washing oil from pontoons of airplanes that were coming back to town. We also dealt with longer term things, such as trying to get a science center started.

Very soon it became an objective of the oil spill response committee to help see a resource citizens' advisory council started. We had daily meetings of the oil spill response committee, which our office staffed. The committee's recommendations were brought to the city council for approval. Then it became my job to see that whatever goals they set out happened. At some point it became part of my job to help make the RCAC happen.

Two leaders from Alyeska, Mike Williams and Mark Hutton, came to Cordova fairly often. Before the legislation happened, Alyeska was beginning to be open to the idea of a citizens' oversight council. So here you have the city behind the idea, Alyeska buying into the idea, and the oiled mayors from all the affected communities discussing the idea of spill prevention over the long term. Between all those forces, things began to happen fairly quickly. At some point early in the summer we started having meetings to look at this.

By the summer of '89 the spill-affected communities were having meetings on a regular basis. After one or two meetings I ended up replacing Riki Ott, the original Cordova official city representative. We also had Marilyn Leland there and Heather McCarty from PWSAC, so Cordova had a major role all this. I got to know and worked very closely with other people from around the spill affected area including Bob Brodie and Jerome Selby from Kodiak, Chuck Totehoff from Chenega, Jason Wells and Bill Walker from Valdez, and Chris Gates from Seward. The

city of Cordova had on retainer the legal team of Birch, Horton, Bittner and Monroe. I think I got RCAC to hire them as well, so they helped draft the legislation. That all came together in a series of meetings in which we negotiated terms with Alyeska and decided that whatever we did need, to make sure that it meshed with the legislation we were drafting. A team went to Washington D.C. to do the negotiations for the legislation and the negotiations with Alyeska, Marilyn Leland, and Bill Walker and I were both very much part of that team.

There was a team that went to Sullom Voe just before Easter in 1990. That was Marilyn Leland, Chris Gates, and Marge Tillion and myself. We went to Shetland for three or four days to learn what they had done with science and monitoring and brought that information back to the committee.

Of course, other major things were happening at the time. The cleanup was going on. There was also the governor's requirement that there be a review of contingency plans. The legislature fairly quickly in '89 had passed the nickel-a-barrel 470 Fund, which expanded the state oil spill response money. There was not a lot of state legislation except for direct money to help the problem in '89.

We worked very hard to get the RCAC contract in place, the legislation in place, and implement the law; we were doing all that by the end of 1990. A couple of issues came up as we kind of felt our way through this process. Anne Rothe from the National Wildlife Federation was elected president, and she was an exceedingly effective facilitator between lots of people. We had several vice presidents. I was the vice president for science. We had a vice president for monitoring. We had two or three other vice presidents as well.

I was in the first negotiation with Alyeska, trying to decipher how much they would pay to make this happen. What was interesting about the negotiation was that we would negotiate with them but then we would go get it enshrined

in legislation so it would stick. The initial base funding agreement on the table was one and a half million dollars, then I got it increased to two million to make sure there was \$500,000 for science.

I think about the only disappointment I've had with the RCAC process is that the city of Cordova had specifically asked me to make sure that in the negotiations an effort would be made to support the science center, and while it has done some of that, the idea that there would be a half-million dollars going to specialized science in oil spill research and recovery in Cordova has never materialized.

In November 1990 Governor Hickel was elected and I had a choice of working on the third floor of the governor's office or going over to [Alaska Department of] Commerce or DNR to work on oil and gas and trade issues, which I had a lot of background in as well. But I said that because of what we started during the spill, I'd like to work in DEC, and I was hired as deputy commissioner at DEC by Governor Hickel and Commissioner John Sandor.

At DEC we were in the process of writing the regulations on oil spills that aided the RCAC, and helped to get them drafted into House Bills 566 and 567. Tim Robertson was Seldovia's representative on the committee. I had gotten to know him so well that I recommended him to be my successor in Cordova, which he was. So all of a sudden I found myself switching from being the director of an advisory group to being the active person in charge of the state government to try to put together oil spill regulations and to try to get contingency plans in place and other things such as that.

One of my first jobs was convincing our own bureaucracy to pay attention to the RCAC as an important force. Most people in the state had not paid much attention to what was going on in the federal law, and certainly not this proposal. When I was the Cordova city official I had many problems with DEC, where somebody was supposed to help communities but they

weren't doing that. They were raising our hopes only to have them dropped again, so I wanted to make sure that DEC paid attention. The RCAC ended up playing an extremely important role in making these bills work, during the year that we were writing the oil spill regulations and doing the first contingency plans. People like Tim Robertson, who had been very active in the legislative side in Juneau, played an important role. I had been to Juneau a couple of times but there were people like Tim who spent much more time there, and continued on and made the contingency plan effort work.

In Juneau, I started out with kind of a misstep with the draft regulations that had been drafted by the leader of the draft regulations, Marilyn Heiman. We said, "I don't think these things are ready for us to formally propose yet," and we ended up deciding to put them out in a workshop process before we formally proposed them. That wasn't made clear to the public, and so when I gave a set of the draft regulations to Mike Williams of Alyeska, everyone thought I was being a shill for the oil industry. I learned later that the oil industry didn't understand what we were doing either, and everyone came yelling at us, saying you can't possibly propose these things. I told them, "We weren't planning to. We already decided to do a workshop process." We pulled together a stakeholders group, which included a number of people, the RCAC, the communities and so forth. By the time we were ready to ice those regulations down and put them into law it was September or October of 1991. I think we got down to only two contentious issues. One had to do with response capability and the other had to do with increasing technological capability.

In 1989 Governor Cowper appointed the Oil Spill Commission, which Walt Parker chaired, and Walt may say that it was the committee that came up and said there should be an RCAC. I seem to recall that we took that issue to the commission when they came to Cordova some time in the fall of '89. Either way, I'm guessing the

committee report was also used to help make the RCACs happen.

The commission had recommended two other groups. One was kind of a legislative oversight group to watch DEC, which Michelle Brown was involved in. The other was the Hazardous Substance Spill Technology Review Council, which I served on for the state and got to work closely on with people like Walt Parker, Bill Satterberg, Ed Page, Ray Koonuk, and Don Haberberger. We pushed to see federal research and development programs start (with mixed success) and to get OSRI, in Cordova, online.

We've done a tremendous job with the drills, with linking the fishermen up with the response side, with making sure that SERVS stays strong, that double hull tankers are implemented, but the record shows that we have not been very good advocates for sustaining oil spill research capability in the state and in the nation. That, to me, is something we have to fix.

### ***What do you see as the positives and negatives about how the council was set up?***

I think that overall it's positive. It's balanced in its makeup. I think it's funded to make things work. The certification exercise every year, having been deferred to the Coast Guard, I don't think is something that should have been deferred to be Coast Guard. I think it should have stayed in the White House because, frankly, RCAC needs to be able to bark as loudly on Coast Guard issues without fear of retribution.

I think we should have sequestered money for science to make sure that we were working on science issues and had a closer partnership with the Prince William Sound Science Center and the Oil Spill Recovery Institute.

I think the only other issue is something that has come up again and again at different times: whether or not the jurisdiction of RCAC should have extended north of the pipeline. The agreement was it should not. There is a case to be

made that, in the Prince William Sound Copper River watershed, there are interests and equities of communities further up the road from Valdez, but be that as it may, I think RCAC has been set up very well.

### ***In a perfect world what would you change about the council?***

I mentioned the science issue. In a perfect world I would find people in government and industry more receptive to citizen oversight. Oversight is never fun if you're the person who is being overseen because you're always having to explain things. In a perfect world, people would say, this is really good to have. The RCAC was not meant to be another hurdle in the regulatory process, it was meant to be a player in the regulatory process, as a third party dispassionate citizen, and as a way for citizens to have some more expertise and a keeper of the flame.

Without advocating for RCACs all over the place all the time, I will say this: I think what came together and the camaraderie that came together in the last 20 years of people who were affected by the spill and the fact that there were several things that kept people kind of continuous on this. If you look at RCAC in a vacuum and ignore things like the EVOS Trustee Council, the Cook Inlet RCAC, the Prince William Science Center and the Alaska Sea Life Center, you are ignoring four or five different entities that come together to tackle the protection of the environment and the development of the spill affected area. Together they support each other.

### ***What are the lessons we have learned?***

Eternal vigilance is the price of liberty, and in shipping oil, safety. Investment works. We have managed to keep a consensus between state regulatory authorities and national regulatory authorities, industry and the various communities and Alaska at large. We need to keep the investments to maintain the escort vessels and double hull tankers and some other things that

are expensive but are worth it. We have learned that if you don't do science, you don't change things. Perhaps the biggest lesson is to listen to people who believe that science can be improved, and to listen to the outliers sometimes.

Another lesson learned is that budgets, research and development are the first to go away, and they went away on the federal level very quickly and they went away on the state level fairly quickly. And frankly the RCAC has more to do in my opinion pushing to maintain that. And I'll say that I've pushed without complete success either. I chair the Arctic Research Commission and we've done a white paper on this, but I can't say we have turned the corner. But it's so very important.

I would say another lesson is you should never have a time and a place where you have a potential disaster where the responders—both the state and federal governments and the industry people— don't know the people in the communities. This is one where frequent exercises, the interface that the RCAC provides, the work of the fishing communities and so forth is vitally important.

I don't think we ever want to have a spill again without having a good biological baseline of what the assets are. That's one where, very honestly, we've have had a fractured consensus within the Exxon Trustees on whether or not we ought to have the GEM program. The RCAC doesn't necessarily take that on as its responsibility very well. The Prince William Sound Science Center doesn't have the financial means to do it all. Fish and Game and NOAA and the resource agencies have got much more immediate fish to fry, literally, in that they have to determine quotas and so forth. One of the things that we thought we would have with all this is not only the spill technology research and development, but much better baselines on what the biology is at risk. I think there is much more that could be done there and it's a bit of a shame that we haven't seen all of that out of the EVOS Program, the science center and the RCAC working together. Finally, a lesson learned is, you always

have to be careful that even a watchdog group doesn't become complacent and bureaucratic. You have to keep telling the story of why RCAC exists and why citizen oversight is an important asset to maintain checks and balances. The risk of failure is huge: Exxon Valdez set back ANWR exploration at least 25 years, and the TAPS pipeline is now just one-third full.

# Bill Walker

*Walker represented the City of Valdez on the council's board of directors from July 1989 to September 2001.*

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## **How and why was the council formed?**

A number of organizations and communities were involved after the Exxon Valdez oil spill. It came together additionally with the help of the oiled mayors group. We have to give a lot of credit to the CDFU (Cordova District Fishermen United) folks out of Cordova who were aware of a similar organization in Sullom Voe, Scotland. Several members of the ACAC board toured the facility in Scotland to gather information. Various stakeholders, communities, organizations, etc. realized that something had to change in order to make sure that another oil spill didn't happen again. It was in that spirit that the ACAC was formed.

## **What was your role in the formation of the council?**

I was one of the charter members and one of the signers of the original contract between ACAC and Alyeska. The day we reached an agreement on funding with Alyeska, that night Marilyn Leland and I and a few others went to Washington D.C. to participate in the OPA '90 discussions. Alyeska wanted RCAC to weigh in on those discussions but ACAC said we wouldn't do that without having a contract first, so that was the beginning of that relationship. We spent several weeks in D.C., helping people understand the importance of and the need for citizen oversight for oil transportation in Alaska.

## **What are some of the negatives and positives about the formation of the council?**

The negative is that it was formed out of a disaster. The horse was out of the barn, so to speak, and we went about closing the door. The positive side is that it has matured over the years. I would say during the first ten years, it was a pretty contentious relationship between

industry and the board. I can remember some meetings where there were some very fiery exchanges, and that was a necessary part of the process.

A month or so following its formation, the president of Alyeska confided to me that he was disappointed that the relationship hadn't advanced further. I think my remark to him was, "You can't reach into the charred forest and get the victims of the fire, then dust them off and expect them to be anything other than what we are."

A lot of people were very frustrated at what happened and at the response. It just took time, and that learning process was very important to the formation of RCAC. That was when we started setting up the committees and developed the long range plans and began working together.

It was occasionally one step forward and two steps back with our relationship. It was awkward for Alyeska, it was awkward for the shipping companies, it was awkward for the regulators, for the Coast Guard, for DEC. It just took a while to develop relationships, and there was ultimately some turnover in industry. New folks came in that sometimes didn't carry the same resentments.

Another positive is that it creates an opportunity for stakeholders to have a meaningful input in what's happening in their region. When something is going to come up for approval with DEC, people used to come and testify for three minutes at a hearing. Now there's an entire organization that they can approach and talk to about their concerns.

Another positive thing about RCAC is that they move the meetings around in the region. We have been all around the oiled region and I think it's very positive to rotate the meetings that way. It's very important for people involved

with RCAC and the shippers to go around the different communities to see the beauty of the area that we want to protect. I remember specifically one meeting in Seldovia, there was a new representative for Exxon at that meeting, and I think it had an impact on him, to see the level of commitment on a volunteer basis, folks coming together to provide input that otherwise they wouldn't have a vehicle available to do that. I think it's a very positive outcome, the benefit of having stake holders involved in the process at the ground level rather than the decisions coming out from some regulatory body, and the only option is to file suit.

***In a perfect world, what would you change about the council?***

Nothing comes to mind. The only thing I would change is that was created as the result of a disaster. But I think there is no single issue I can think of that we should have done differently. I think the committees being formed was good. I think expanding the volunteer base was good. Nothing really comes to mind as far as changing any particular thing.

***What are the lessons we have learned?***

It's helpful, when you have a large industry that impacts your region, that there is a vehicle available for those who will be impacted by a potential environmental disaster, as a means to have meaningful input. One of the biggest issues from RCAC's standpoint is complacency, but I think citizens' oversight councils help prevent that.

Interviews by Sharon Bushell and Stan Jones.

Editing by Stan Jones and Amanda Johnson.

Production by Amanda Johnson, Donna Schantz and Alicia Zorzetto.

Front cover photos from The Observer newsletter, 1991-1992.

# RCAC to co-sponsor tanker towing study

RCAC will work with industry and government agencies to sponsor an independent, privately-funded study of towing disabled tankers. The study could cost as much as \$100,000 but have the funding would be distributed in six-year installments.

The RCAC at its December meeting approved the representative effort to attempt, but did not request a specific amount of money for the project.

The Tank Operators and Vessel Traffic Services (TOVS) Committee has been working with the U.S. Coast Guard, Alaska Dept. of the Interior, U.S. Fish and Wildlife Service and the Alaska Department of Environmental Conservation on the concept of an independent study.

"I'm very pleased with the way this program is going. It couldn't happen without full cooperation from everybody," the study will look at tankers transiting between Alaska's Valdez terminal and Bering Sea, particularly hazardous weather. Recently, Stephens said, the study will evaluate the capabilities of preventing an oil spill if a tanker loses power or storage or both. It will address the complex and multi-faceted issues of towing and environmental damage between report, research and a possible tanker response plan and other issues associated with disabled tankers.

# Negotiators struggle to define "maximum extent practicable" on federal vessel regulations

A negotiating committee of industry, state and public interest representatives broke through a three-month stalemate and on March 27 signed a recommendation to the U.S. Coast Guard on a package of proposed federal regulations for oil spill response requirements for vessels carrying oil in U.S. waters.

The so-called "Big Rig Committee" was formed by the U.S. Coast Guard, which is charged with drafting many of the regulations intended to improve the nation's oil spill response - called "big rig" for short - large oil tankers. The committee is made up of representatives of interested parties in the industry, state and public interest groups.

The committee's work has been a long and difficult one, involving many meetings and a great deal of research. The committee's goal is to develop regulations that are both effective and practical.

"What it means for us is that we have to get the message out to make sure the numbers attached to the regulations are clear and can be used."

# Fish group reps review nearshore response plans

Representatives of fishing groups from Prince William Sound, Kodiak and Cook Inlet are meeting to develop consensus positions on the spill response plans being drafted by Alyaska owner companies.

The first meeting, coordinated by RCAC's Oil Spill Prevention and Response Committee, was held Dec. 11 in Anchorage. The group included representatives of Cordova District Fishermen United, United Fishermen of Alaska, Cook Inlet Regional Citizens' Advisory Council, Kodiak Oil Spill Team, Area K Seiners' Association and Prince William Sound Aquaculture Association.

The group is preparing comments to be submitted to the Response Plan Group, who are preparing contingency plans for tanker spills.

Part of that subsequent response is termed "nearshore response," which applies to oil that has entered the spill site and is approaching shore. Any nearshore response would use every local fishing vessel.

# Ballast water treatment program under way

A comprehensive program to independently monitor and evaluate Alaska's ballast water treatment program (BWTP) plan is underway. RCAC has already begun the initial work, which the Alaska State Legislature has approved.

The program is an independent program, not a government program, and will be funded by a fee on ballast water treatment.

The program will be implemented by the Alaska Department of Environmental Conservation, which will be responsible for monitoring and evaluating the program.

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RCAC members, including (left to right) Steve Smith, Don Smith, and Don Smith, are shown in a meeting discussing the ballast water treatment program.

# Skimmer exercise instructive

Alaska's Ship Event Response Unit (SERU) conducted a skimmer exercise on Aug. 15 off the coast of Kodiak. The exercise was designed to test the unit's ability to respond to an oil spill.

The exercise was a success, with the unit demonstrating its ability to respond to an oil spill in a timely and effective manner.

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# RCAC wages full-court press on spill prevention, response regs

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# Regional Citizens' Advisory Council consider safety of tankers

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# Chevron tries new approaches in water spill drill

Chevron Shipping tried some new approaches in a recent oil-water spill drill in March, and by all accounts, the ideas worked. Three key differences between this and other drills were the involvement of government agencies and RCAC in planning; the addition of a formal evaluation process by the planning group; and use of real time and real weather conditions.

The drill, held March 2-4 in Valdez, was officially Chevron's "transition" drill, required by the Alaska Department of Environmental Conservation (ADEC) to demonstrate the shipper's ability to take over spill management from Alvenka.

"Everything we're hearing is that it was an extremely positive learning experience," Alex Walker, Environmental Coordinator for Chevron Shipping, said after the drill. "The response involved was able to identify areas for improvement and, of course, that's what a drill is for," Walker said.

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