

U.S. Department of
Homeland Security

United States
Coast Guard



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24 Mar 2011

Prince William Sound Regional Citizens' Advisory Council
Attn: Mark A. Swanson, Executive Director
130 South Meals, Suite 202
Valdez, Alaska 99686

Dear Mr. Swanson:

After review of the recertification package submitted by the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC), I have recertified the PWSRCAC as of 01 March 2011 as an alternative voluntary advisory group permitted under Subsection 5002(o) of the Oil Pollution Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (OPA 90) with the following comments noted below. This recertification terminates on February 29, 2012.

I note that Coast Guard District Seventeen letter 16451 of 10 Mar 2009 signed by RADM A. E. Brooks stated and I quote: "[a]ll too often during the past year I have witnessed or have heard of instances where Council staff members or representatives have taken a confrontational and/or a non-cooperative approach when engaged with government personnel. I fear this approach diminishes the credibility and effectiveness of the Council."

While I initially took a "wait and see" attitude with regard to the 2010 PWSRCAC certification, I have increasingly observed what Admiral Brooks described as a confrontational (which I prefer to define as "adversarial") approach demonstrated by some members of the PWSRCAC. Perhaps nowhere is this more clearly evident than when the PWSRCAC twice threatened to facilitate filing lawsuit(s) against the Coast Guard in order to obtain official information through methods which would violate federal privacy and other laws.

Additionally, the PWSRCAC's repeated use of the term "watchdog" to describe its monitoring and advisory responsibilities connotes an adversarial relationship and is indicative of a party not committed to fostering a partnership. This is not only a Coast Guard concern. Other port partners have privately reported similar concerns. This is no way to foster a partnership.

While I disagree with my predecessor that this adversarial approach diminishes the credibility of the Council, I do agree that it diminishes its effectiveness.

OPA 90 recognized the need to establish a mechanism "which fosters the long term *partnership* (emphasis added) of industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals" (33 U.S.C. § 2732(a)(2)(D)).

A “partnership” cannot be effective when one party refers to itself as a “watchdog” organization and fosters an adversarial relationship with those entities they are charged with partnering.

Unfortunately, adversarial actions taken by a few vocal members are attributed to the PWSRCAC as a whole, and by allowing these actions to persist, the PWSRCAC allows these members to define the PWSRCAC’s relationships, goals, and policies.

In order to be a truly effective advisory group, the entire PWSRCAC should embrace the organizational precepts upon which it was founded, which includes open communication and strong partnerships with industry, government, and the public.

Congress clearly established Regional Citizen’s Advisory Councils with the intent that they be collaborative and advisory in nature; which also, coincidentally, corresponds with some of the best of Alaskan communal values. This is evident not only in the plain meaning of the statute, but also within the expansive volumes of legislative history.

OPA 90 charges citizens advisory groups to “maintain open communications with industry and government interests.” As noted in the 2009 recertification letter and as demonstrated by the strained relationship between the PWSRCAC and Coast Guard Marine Safety Unit Valdez, the PWSRCAC must make a concerted effort to develop productive relationships that align with OPA 90. The continuation of openly adversarial practices will fracture partnerships and diminish the effectiveness of the organization to the detriment of the residents of the Prince William Sound region.

I am fully supportive of and truly believe in the necessity of citizen advisory groups. I believe that they help avoid complacency and function as vital links between government, industry, and the citizens of Alaska. Recently, I understand that PWSRCAC instituted positive corrective measures as discussed during recent meetings with my staff. I applaud this plan of action that focuses on positive measures and sincerely hope that the new changes continue to take root and grow strong partnerships well into the future.

The underlying goals of the PWSRCAC are aligned with the goals of the Coast Guard Marine Safety Unit and Vessel Traffic Service operating in Prince William Sound. Both organizations are passionate about protecting the environment and ensuring the safe and effective movement of oil tankers in and out of Prince William Sound. I note that since the time that the Coast Guard achieved complete radar coverage of the Prince William Sound traffic separation scheme, nearly 9.5 billion barrels of oil have been safely moved out of Prince William Sound with 100% effectiveness.

Building an effective and trusting partnership will take time. The goal is to best serve the residents of the Prince William Sound area, which I believe can be best done as partners vice adversarial watchdogs. I will know that the changes discussed above have been implemented when I consistently receive positive feedback from port partners indicating that the PWSRCAC is taking measures to establish effective partnerships. This vital step will demonstrate that the PWSRCAC is committed to working in concert with other port partners to ensure the continued safe and effective movement of crude oil out of Prince William Sound.

My staff and I look forward to continuing to work with you, in the spirit of partnership and collaboration in accordance with federal law and as Congress intended in OPA 90 throughout the years to come.

Sincerely,



Christopher C. Colvin
Rear Admiral, U.S. Coast Guard
Commander, Seventeenth Coast Guard District

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