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SERVING THE

VILLAGES OF:

BREVIG MISSION

COUNCIL

DIOMEDE

ELIM

GAMBELL

GOLOVIN

KING ISLAND

KOYUK

MARY'S IGLOO

NOME

SAVOONGA

SHAKTOOLIK

SHISHMAREF

SOLOMON

STEBBINS

ST. MICHAEL

TELLER

UNALAKLEET

WALES

WHITE MOUNTAIN

April 10, 2017

Captain Joseph B. Loring
Office of Marine Environmental Response Policy
U.S. Coast Guard
2703 Martin Luther King
Jr. Ave. SE., Stop 7516, Washington DC, 20593
Submitted to: www.regulations.gov

**Re: Docket ID: USCG-2016-0437; Update to Alternative Planning Criteria (APC)
National Guidelines**

Captain Loring,

Thank you for the opportunity to provide comment to the United States Coast Guard's, Alternative Planning Criteria (APC) National Guidelines.

Kawerak is the regional Tribal Consortium for the Bering Strait Region in Nome. We have examined the National Guidelines and are providing comment to this important matter. Oil spill response planning and preventing oil spills have been identified as two of the most critical concerns of tribes in the Bering Strait region. Because of the tremendous lack of response capability we are keen to provide comment on Vessel Response Plans, and Alternative Planning Criteria that may mitigate the likelihood of an oil spill. Please see Kawerak's latest report on the matter of increased shipping and its numerous references on the severity of the potential impacts to our culture and lifestyle if an oil and/or hazardous substance spill were to occur at:

<http://www.kawerak.org/forms/nr/Bering%20Strait%20Voices-%20Vision%20for%20Action%20Summit%20Report.pdf>

Kawerak agrees with the US Coast Guard that the following points are important components to APC guidance in order to plan for the impact of an oil or hazardous substance spill:

1. Full description of submission process.
2. Recommend strategic plans to address and reduce gaps.
3. Identify methods to verify compliance.
4. Provide clarification of existing regulations.
5. Allow for development of Alaska specific guidance on the following:
 - (a) Evaluation methodology.
 - (b) Response strategies.

With the exception of Dutch Harbor and Adak and regional hubs throughout western Alaska there are little resources available for skimming, pumping, salvage, and recovery of spilled substances.

In 2015 Kawerak provided comment to the USCG via a comment matrix on APC's. I have included two of our comments (below) for your and the public's consideration that we feel are still relevant to the national guidelines.

In regards to whether APCs shall provide verification of response contracts, or other approved means to implement VRP requirements and APC strategies for the subareas where their vessels operate. Kawerak responded to the issue of contracts as follows:

"Response contracts in subareas should be adequately noticed to the public and should be disclosed so that subarea communities are aware of the particulars of response capability."

In a December 16, 2016 record of a phone conversation with Chadux and other stakeholders posted on the comment page of the federal register docket it was noted that the cuts in the cost of rates for APC was facilitating a "race to the bottom".

If providers for APC's are cutting corners and a race to the bottom does exist the USCG has not disclosed the issue and may be jeopardizing the safety of communities. There has been little disclosure to the public as far as we know.

Ideally APC providers will conduct round the clock monitoring, assist vessels with deviation, monitor locations of response assets, provide access to boom, involve response hubs, provide for vessels of opportunity, and have an intimate knowledge of the area. The grounding of the *Champion Ebony* on June 24, 2016 is an important reminder of the importance of APC service providers.

In regards to external USCG communications with the submission of APC's. Kawerak responded to the issue of external communications as follows

"External USGC Communications are important to foster and continue. Kawerak urges to the extent possible that external communications be utilized as fully as possible so tribes are fully informed of APC elements and response contracts. Response contracts in subareas should be adequately noticed to the public and should be fully disclosed so that subarea communities are aware of the particulars of response capability. Kawerak suggests the US Coast Guard use all available outreach tools such as newspaper, online announcements, and radio service announcements."

Kawerak's request on the matter of disclosing APC contracts to the public has not been fulfilled. Kawerak has not seen the elements of any response contracts and does not believe they have been disclosed to the public. Kawerak believes full transparency of response contracts is important. Alaska residents in remote communities are likely to be some of the first responders. At some central location in remote villages APC response services should be made available to tribes and logged or kept in a binder for easy access so communities may have that information easily available.

Kawerak hopes APC plans will protect Alaska from risks of vessel traffic. But without the Coast Guard's APC plan decisions and contracts for review there is no meaningful way to provide local input and local expertise.

Kawerak supports the Coast Guard's notion that planning is the foundation of successful response to increasing vessel safety and protecting the marine environment. Regionally appropriate guidance from local people is key to that goal, and the USCG is encouraged to develop Alaska specific guidance to advance that worthy goal.

Kawerak recommends the USCG post response contracts online and provide funding to Kawerak to assist with the outreach effort that is required to gain local knowledge and expertise with APC contract review. There are few avenues for local involvement when it comes to APC contract

development. The Alaska Regional Response Team (RRT) is potentially a way to address APC contract issues but is only composed of high level state and federal response professionals. Ideally a local or regional organization would receive funds in an advocacy role for tribes to help the USCG with APC contract review.

Permanent Equivalency

As drafted the National Guidelines state:

"In the absence of a long-term or permanent equivalency approved by a regional Area Committee, the Coast Guard expects to see documented progress and dedicated investment in response capabilities for the duration of the approved APC." (Enclosure 1, Sec. 5.b.iii)

Kawerak believes there must be documented progress towards response capabilities in remote Alaska, but it appears the USCG considers there will be a long term absence of permanent equivalency in remote areas of Alaska without any definite date to address those absences. Kawerak urges the USCG to consider stronger language in the guidelines to ensure there is progress in all areas of Alaska. Perhaps deleting the first portion of the above quoted section makes sense so as not to undermine the strong desire for oil spill response capability in remote Alaska. There is at present very little response resources available to most remote Alaskan communities and unless the USCG revises the guidelines it may stay that way. Kawerak recommends that the USCG free up resources under the Oil Spill Liability Trust Fund for tribes so that the response capacity may be increased or at the very least so that tribes can become involved in response planning such as with the Alaska Regional Response Team. Northwest Alaska experiences greater than 10,000 gallons of oil or hazardous substances annually and while resources are dedicated to oil spill incident command there are still no assets beyond regional hubs. In light of the documented progress that the national guidelines note, Kawerak requests a report of how Oil Spill Liability Trust Funds have been used and how much of those funds have been made available to tribes.

In closing Kawerak encourages the USCG to ensure APC and APC service providers meet local needs and response capability is built locally. Where possible training should be included in rural Alaska so that local communities are as prepared as they can be in the event response is needed. Most importantly the Arctic is a very challenging environment. When the USCG conducted its outreach and visited Nome for this APC comment period we learned that there is still much education that is needed to ensure vessels fully understand the harsh environment and the importance of APC guidance for the Arctic.

Thank you for your time and consideration. If you have any questions please feel free to contact Austin Ahmasuk, Marine Advocate at the above address or directly via e-mail at marine.advocate@kawerak.org.

Sincerely,



Melanie Bahnke, President
KAWERAK, INC.