

# **Bering Strait Voices on Arctic Shipping**

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*Moving Forward to Protect Alaska Native Ways of Life and the Natural Resources we Rely on*

Nome, Alaska

Workshop Report

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*January 25-26, 2016*



May 26, 2016

Dear Reader,

Kawerak is pleased to present our 2nd Bering Strait Voices on Arctic Shipping workshop report for your information and consideration. The enclosed report gives insight into the thoughts from representatives of our region's tribes, and suggests proactive ways that we can move forward to safeguard our natural resources and way of life, and that natural resources that we rely on to sustain us physically, culturally, and spiritually.

Kawerak's Core Purpose is: "To work together to achieve the highest quality of life in partnership with our tribal members and communities while living and celebrating our Native cultures."

In 2016, Kawerak will be celebrating 43 years of service to the Bering Strait region. Our region is changing dramatically and we must never forget that the knowledge of our people has been the vital link to our survival and can guide our paths forward.

I wish you the very best in the coming year, Quyaana for your time and consideration.

Sincerely,

*Melanie Bahnke*

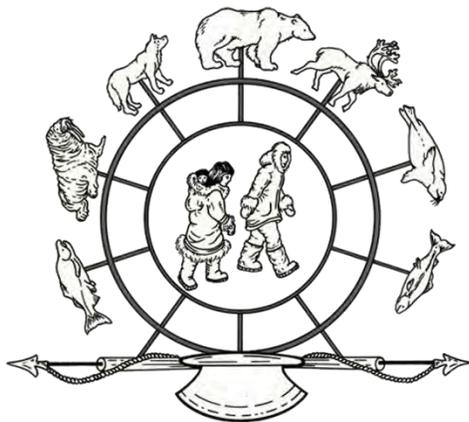
Melanie Bahnke, President

Kawerak, Incorporated

Bering Strait Voices on Arctic Shipping  
Workshop Report

January 25-26, 2016  
Nome, Alaska

Marine Program  
Kawerak, Inc., P.O. Box 948, Nome, AK 99762



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## Contents

Preface	4
Introduction	5
2016 Local Community Workshop Participants	6
BSVAS 2016 Support Staff and Guests	7
First Day - Tribal Concern Roundtable	7
US Coast Guard Subarea Contingency Plan	12
Traditional Knowledge	15
Golovin Emergency Response Plan	16
Second day - Tribal Roundtable	17
Moving Forward	21
APPENDIX 1, US Coast Guard Unified Oil Spill Contingency Planning	26
APPENDIX 2, Social Science Program Presentation	27
APPENDIX 3, Marine Program Introduction	28
APPENDIX 4, Alaska Local Emergency Planning Committee (LEPC) Handbook	29

## **Preface**

This report documents the proceedings of the second regional gathering on Bering Strait Voices on Arctic Shipping hosted by Kawerak on January 25-26, 2016 in Nome, Alaska, this regional gathering of Bering Strait Voices on Arctic Shipping was held to convene many Bering Strait leaders and ocean policy professionals in one place to discuss the potential impacts from increased shipping and climate change and to look at ways to move forward. This report is written largely in participant's own words on local issues and concerns. Kawerak hopes you will conclude that the Bering Sea, Bering Strait, and Chukchi Sea are tremendously important to its first inhabitants, and that the future of its residents are tied directly to decisions that are taken to address an increasingly ice free Arctic Ocean. Kawerak will utilize this report and future advocacy efforts to express local opinions to state, federal, and international policy decisions that affect the Arctic. The regional gathering, this workshop report and Kawerak's advocacy efforts are possible with funding from *The Oak Foundation* and *Pew Charitable Trusts*.

## Introduction

Kawerak's Marine Program was established in 2014 with a goal to:

***“focus on potential impacts of increased marine shipping on individuals, subsistence resources and the environment within our region.”***

The Kawerak Marine Program launched a website [www.kawerak.org/marine](http://www.kawerak.org/marine) and has posted numerous policy papers and useful links.

Kawerak held its first Bering Strait Voices on Arctic Shipping (BSVAS) workshop in 2014 and at that meeting Kawerak gathered Tribal leaders, and Municipal leaders together to have initial discussions about the Arctic, what our concerns are, and what our priorities are. Kawerak developed a report on the issues that were raised related to increased shipping in the Arctic so when Kawerak convenes with its partners and others, Kawerak can pull from that document for reference.

In 2014, participants in the first BSVAS workshop identified numerous common beliefs, two of which are identified below:

“Protect our waters, remember our resources are like money in the bank. It’s what we have to survive.”

*Participant, 2014 BSVAS Workshop*

“ We want to see our subsistence way of life continue.”

*Participant, 2014 BSVAS Workshop*

Over the past year, the Marine Program submitted written comments to the U.S. Coast Guard and U.S. Army Corps of Engineers. The 2014 BSVAS report helped Kawerak advocate for subsistence resources and local communities, the environment and our region when it generated those comment letters. One main focus area over the last year has been the U.S. Coast Guard Port Access Route Study. Kawerak, tribes, native corporations, and environmental organizations submitted comments on the Port Access Route Study. Comments came from King Island Native



**Figure 1: 2016 BSVAS participants**

Corporation Land Committee, U.S. Department of the Interior, Ocean Conservancy, Arctic Marine Mammal Coalition, Native Village of Savoonga, Native Village of Mekoryuk, World Wildlife Fund, Environmental Investigation Agency, American Waterways Operators, Audubon, Pew Charitable Trusts, NOAA, Marine Mammal Commission, Kawerak, and neighboring nonprofit organization Association of Village Council Presidents. Specific comments were made regarding areas to be avoided around Little Diomede, King Island, and Saint Lawrence Island. As of this writing the U.S. Coast Guard has given some indication of considering areas to be avoided in the Port Access Route Study. Tribes did an admirable job during the U.S. Coast Guard Port Access Route Study comment period. The Bering Strait Voices on Arctic Shipping 2014 report was critical to that effort.

The Bering Strait region is extremely important, especially because international traffic goes through the Bering Strait with the potential to create new challenges. The Bering Strait region is a globally important area and Alaska Native people have an ancestral connection and reliance on the land and sea, and yet the rest of the world views the area as vitally important for shipping. Recently the *Maritime Executive* reported that a Northern Sea route trip between December 17 to December 25, 2015 was completed by Russian vessels, which had never before been done at that time of the year.<sup>1</sup> International traffic is occurring at a much later time and interest seems to be increasing. Transits through the Bering Strait increased to 452 in 2015.<sup>2</sup>

### 2016 Local Community Workshop Participants

Wilbur Napayonak, City of Koyuk  
 Axel Jackson, Native Village of Shaktoolik  
 Reuben Weyiouanna, Shishmaref IRA  
 Delbert Pungowiyi, Native Village of Savoonga  
 Toby Anungazuk, Jr., Chinik Eskimo Community  
 Lincoln "Mike" Simon, Native Village of White Mountain  
 Melvin Appasingok, Native Village of Gambell  
 Carol Oliver, Chinik Eskimo Community  
 John Lockwood, Native Village of Saint Michael  
 Robert Soolook, Jr., Native Village of Inaliq  
 Deahl "Doug" Katchatag, Native Village of Unalakleet  
 Nathan "Nick" Topkok, Mary's Igloo Traditional Council  
 Sherman Richard, Native Village of Wales  
 Blanche Okbaok-Garnie, Teller Traditional Council  
 Morris Nakarak, Elim Traditional Council  
 Michael Sloan, Nome Eskimo Community  
 Jacob Martin, Nome Eskimo Community  
 Vincent Pikonganna, Native Village of King Island  
 Stewart Tocktoo, Native Village of Brevig Mission

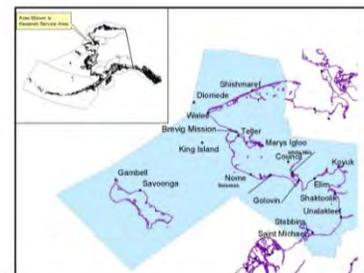


Figure 2, Bering Strait Region

<sup>1</sup> <http://www.adn.com/node/3098271>

<sup>2</sup> Marine Exchange of Alaska

### **BSVAS 2016 Support Staff and Guests**

Melanie Bahnke, President, Kawerak, Inc.  
Rose Fosdick, Natural Resources Vice President, Kawerak, Inc.  
Austin Ahmasuk, Marine Advocate, Kawerak, Inc.  
Julie Raymond-Yakoubian, Social Scientist, Kawerak, Inc.  
Denise Michels, Transportation Director, Kawerak, Inc.  
Freida Moon-Kimoktoak, Marine Program Specialist, Kawerak, Inc.  
Cindy Wieler, Social Science Research Assistant, Kawerak, Inc.  
Roy Ashenfelter, Natural Resources Advocate, Kawerak, Inc.  
Raychelle Daniel, Pew Charitable Trusts  
Ellie Humphries, Pew Charitable Trusts  
Lt. Commander Matthew Mitchell, U.S. Coast Guard  
Susan "Sudie" Hargis, Tribal Liaison, U.S. Coast Guard

### **First Day - Tribal Concern Roundtable**

On the first day of the workshop participants were asked to share local concerns, what follows are discussions from that roundtable from the participating villages.

Savoonga: Savoonga, Gambell, Wales and Little Diomedede have declared an economic disaster because of a low harvest of walrus. The islands are right there within the traffic. The U. S. Coast Guard must seriously consider search and rescue, when vessels have accidents. We've already had that Korean vessel sunk 150 miles from the Island. We're not ready for any oil response or first response for search and rescue. On our subsistence way of life, it's really scary, we all know the impact the climate change is having. We've never witnessed such disasters. The first disaster we had, we had only one boat from Savoonga catch walrus. Walrus is our mainstay as well as the bowhead whale. The first disaster we declared was a subsistence disaster, the State wouldn't give us aide because we didn't declare economic disaster, once you declare a disaster you can't change it. My concern is that it's going to become a normal thing for us to have these disasters and it looks like another disaster in the making with the young ice we have now. Polar ice is not reaching us anymore, which brings a lot of game such as whales, walrus, seals, and polar bears. The federal government, the state, need to come up with some plans that would create self sustaining economies in the communities that are going to be severely impacted here and we are being impacted very quickly.

Golovin: The winds are very different, you probably notice that in your communities. Last week it was so windy we couldn't get any planes in and then there was a young man that had to come into Nome to go to Anchorage for an appointment. There's no snow, he took a 4-wheeler to White Mountain, they were able to land in White Mountain so they took him to Nome and he made it to Anchorage.

Saint Michael: A couple years ago, there was a tugboat from here (Nome) that travelled to Saint Michael, they were going to put up his tugboat, but the tug hit Rocky Point and his boat was there for like 2 years and finally ice moved it off the rock and sank and it's still at Saint Michael.

He just saw village of Saint Michael lights and he went straight there and he hit Rocky Point. We tried to let him get the fuel out of there, the hydraulics, which they never did.

Savoonga: There are campers at Punuk Island every year and it has been reported that a tanker that's filling up other ships right off of Punuk Island, there pulling up and fueling up. I don't know what kind of marine laws they have but the big concern we have is if they have an accident there, there's no oil response equipment and that area is very sensitive, the ecosystem, the walrus haulout on Punuk Island and spectacled eider on the East end. I just wanted to comment on that.

Teller: That also happens in Teller a lot, we have a natural deep water port, we have no oil response equipment, nothing, no booms, we wouldn't know what to do.

Wales: We have noticed that the weather has been a lot different than when I was younger, when I was growing up. Our shore ice didn't really set until closer to the second week of January, last year as soon as the ice started to go out it was just gone within that week. Couple of crews got to go out Spring hunting, maybe 3-5 times. We've noticed a lot more West wind which used to be really unusual, that's actually what pushed the ice in and helped it set, the West wind. I heard some of you saying that there was barges that were having a hard time, that would crash, this side or the other, very late in the season, I think it was November we saw one barge, I don't know if it was pulling anything, by itself or if it was pulling anything but it was trying to go South back on down to Nome or wherever it was going and late at night we saw it turn around and make it back around the mountain, trying to go to Tin City side, it ended up going back over towards Wales and the ocean just got rough real quick and we saw it's light just bobbing up and down, it was trying to find smoother waters and that's one thing I would like to bring to the Coast Guard at this meeting is this: as many spill response stations as you can have, you will need because when the weather changes up in our area, it changes fast. The ocean gets really rough really quick, especially once you get into the choke points and along some of these other regions. Right there, the chokepoint between where Wales and Diomedea are and Russia, we have three really strong currents out there that fight each other back and forth and it can get real rough at the drop of a hat, the same way our weather changes.

Teller: We have a lot of the same concerns that were brought up earlier, that was training, we want to have HAZMAT training with people and be able to keep it up every year and to have a response, we don't have that locally if there is an accident. We have the natural harbor right there, 7 miles from Teller, Point Spencer. We thought we might be seeing stuff that's broken down or stuff with problems or more people coming in to park there, where it's safe. We have some fear of more regulations for subsistence in the waters with more traffic being around, we don't want any more restrictions on our subsistence because we feel that we regulate ourselves.

Nome: Mike Sloan, Nome Eskimo Community has the following concerns, some of them directly I think are being addressed, some of those about oil spills and grounding and ship wrecks and such, we're glad to see the oil spill contingency plan being revised and I see there's a

lot of interest in getting training going around the area and responding to some of those needs, responding to a situation like that. Other concerns we have is, we're very much in favor of the port development and being a part of that port development. We want to be at the table during that whole process. Also excited about the PARS study, the Port Access Route Study seems to have been well received all around, I think, by the Coast Guard, by environmentalists, by everybody that's looked at it. Concerned about invasive species hitching a ride in peoples bilge water and potentially affecting our local ecosystems. And then, concerns with precipitation, lack of precipitation, snowfall and things like that, not shipping related but climate change related things that are going to affect salmon runs and affect berries and other subsistence resources. We're doing a lot of climate change adaptation planning this year and there's kind of really three things going on, there's Nome Eskimo Community and Village of Solomon, King Island and Council along with the native corporations and the land owners and Kawerak and Bering Straits Native Corporation are getting together to develop the climate change adaptation plan for the four Nome tribes and I don't know what that's going to look like yet, we haven't had our first workshops, we've just now established a steering committee, we're having two workshops that are scheduled for mid February and then there will be some other ones, I think maybe one in April, there'll be a total of four workshops related to that. There's another grantee in Elim that received BIA funding for climate change, Harold Sheppard. I think his plan or his funding is to support training so I think he's got training opportunities, some of them are web based, some of them are going to be here in Nome throughout the year, I don't know the details on when those are going to be scheduled for participants in that, hopefully those opportunities will help any of your planning efforts.

White Mountain: Concerned with the disasters that can happen with all of this shipping. There's oil and coal and iron ore, marine mammals and sea birds, hopefully nothing goes wrong out there, I mean it could, there's already a lot of sea birds and a lot of mammals that are already you know, with different kind of diseases and this, any other disaster out there is not going to help that.

Golovin: Golovin and our people really rely on fish, both commercially and subsistence fishing. If those barges and stuff run away to a safe harbor, they're either going to go into Golovin Bay, to Port Clarence. In Golovin Bay there's no place for big barges to tie up, they have anchors and sometimes they'll be dragging a little so we'd like to protect our fish, we rely on those. White Mountain upriver from the Golovin lagoon, also is a fishing place. The ice is about less than half the thickness as what it used to be so, what are the seals going to do when they get their pups born in about two, three weeks from now. There's no snow on top the ice, there's no rough ice, there's lots of different things that climate change is impacting in our region. When those small ships and barges run away to Golovin Lagoon we don't even have a HAZMAT crew, where those ships and barges run away to there should at least be a HAZMAT crew. You never know how long it will take for people to come and respond in a big storm. People need seven days of food per person.

Shishmaref: About 10-15 years ago barges used to go by the shore in Shishmaref while we were hunting, that's when we had real good ice. Somehow we told them to go further out, they finally got the message and they don't go through that ice anymore but I don't know if it really matters right now but the ice, like Sherman Richard said the ice takes off in about 2-3 days once it breaks up and last couple years people have been going all the way up to Kotzebue Sound to chase the ice up there, that's where they've been doing the hunting. At least the gas prices are lower now at home and I think later on we had that oil/gas spill was it, that gas spill on the header we had in Shishmaref going to the native store tanks, the Alaska Village Electric Cooperative tanks and the school tanks. It was the gas line header that leaked, there was a tiny little crack in there and I don't know how much, all that fuel in there they got from that one until they finally changed the header and we barely got our gas last year, first part of October after the season was over cause their season for hauling gas and oil was October 1st. We got it about a week later I think, when the weather broke. Now we don't have any barges going through during the Spring time, especially in June, that's when we do our hunting. All the way from almost by Ikpiigaaluk, Ikpek, all the way up to Cape, we usually hunt out there, about 15-30 miles out. We've been noticing that walrus haven't been passing through that ice cause the ice is too thin and it keeps blowing out from all the East winds. We've been noticing different species of animals going up there like sea lions and that kind of animals. In the newspaper they saw a shark, our Village Public Safety Officer shot it, he thought it was a seal.

Shaktoolik: In Shaktoolik, every year we used to have ice all the time, nowadays we don't have ice every year around this area. There's ice out here but every year they go crabbing by Cape Denbigh but they can't do that anymore cause of the way the current goes. Before Spring time we would have ice come from out here and block us out from out here. I used to go walrus hunting between Stuart Island and Darby, that's about 40-60 miles out. But now I can go less than 20 miles to go walrus hunting. I think the Arctic shipping kind of changed the route or migration of the marine mammals. We're starting to see a lot more beluga around this area and walrus. I'm glad I don't have to go way out there to hunt walrus anymore. Fall time we used to go Norton Bay to hunt beluga all the time, we can't do that anymore because it blows North wind all the time, too rough. When I was commercial fishing last year we get a small, little I don't know what they call it, between a humpy and a fish, kind of ugly looking fish, seems like it was between two species. I also want to let you know, every year, this always stay open all day. Can't go crabbing winter time, we can't hunt fall time back here like we used to, stay too rough all the time.



**Figure 2: Axel Jackson, Native Village of Shaktoolik representative, 2016 BSVAS Workshop**

Koyuk: I read your report, I was very overwhelmed, the blue line right here, the shipping route, that scares the heck out of me. Cause right here when you look in your packet you see the life cycle, the marine cycle, we are a part of that very delicate cycle of mother nature. When you check man's wants, wishes and desires, our endeavors, our journey into the picture, man's plan is always subject to failure. Mechanics are subject to failure, even the electronics you see in this room are subject to failure. All it would take, I've always been very interested in astronomy, learning about the sun getting electronics, all it would take is for one big solar storm to come from the sun and wipe everything out. Everything here is on paper, it scares me. When you see people here sitting on the table, you see people in the room, they have that knowledge, that information. There are people around the coast, Shishmaref, Savoonga, Wales, up in that area that are real familiar with it, they know the tides, the currents, there are people down the line. What are we going to do because our paper is one dimensional, reality is three dimensional, reality is sitting right here all around the table, the whole room. What we really need to hear and what we need to have done is how we're going to do it. Coast Guard is going to have to work on that, in my hometown in Norton Bay we used to have boat pilots in the village that would come in, North Star, a long time ago they used to have barges that would come in and bring the barges into the channel so they could go around and today everything is so dependent on GPS, satellite communications. There are a lot of imposing people here, our Eskimo people, very educated, very skilled, knowledgeable people who can bring us forward. I myself, I would not be able to go to the Western part of the Seward Peninsula and try to give you knowledge myself, I would have to try to find someone who knows that area. So that right here has not even begun and I think about the whole State of Alaska, we have like about 3-4,000 miles of coastline and see this

one part right here, it wouldn't take but one accident for something to happen where we have a real big oil spill or some kind of chemical.

Shaktoolik: No ice, lot of wind. Seals and oogruk are getting sick, no fur. Got to be careful and check to see if they're infected. A lot of cancer going on, it's from eating sea mammals and land animals, so much PCB's. Airport site, White Alice site, water is being contaminated. Water is dark brown, they can't drink it. Last spring went to Elim to get oogruk. Think it's coming from Japan and Russia. We don't have to worry about a port, there is no port. Weather has changed, growing up they used gunny sacks to anchor nets, later on they used anchors because the current started getting stronger.

Elim: No ice, climate is changing, patterns of migration is changing. It's easier on different species, they come to Elim closer but other species they go farther. The pattern changed in the last few years. The currents changed, strong current, sometimes no current. The blue line, it worries me, when bunch of ships come through they're going to dump stuff here regardless of laws. On the news you see it, between Seattle and Ketchikan, they make the news, dumping stuff in the water. We have beluga that stay right off our coast from the Yukon to up North. We're worried if they'll still stay on the coast, it's our source of protein, we greet them every year. The walrus are staying longer for some reason in our area.

Diomedes: Lot of big differences right in the middle of the strait, the past 10-15 years. Ice not forming, young ice. Fish and Game think walrus is diminishing. No. They're adapting to another environment. Hunting is going good, seal is going good. Only concern is shipping. Implementation of training in villages, we're working with Russia too, communicate with Russia a lot. We participate in the "Bering Strait Messenger" network calls. A lot of Russian vessels in our limits, not supposed to be within our jurisdiction, within 10 miles of Fairway Rock, they've been coming a lot closer.

Gambell: Concerns from elders, wishes are to have good spring walrus hunting because of the ice and weather pattern. One day we have a nice, good day, the next day it's high winds blowing for almost two weeks. Elders wish to have a good hunting season this year. The routing, when the spills come around they need to have response teams stationed in the Island.

Brevig Mission: Our main concerns are when Shell Alaska was going up North, always refilling in Port Clarence Bay, washing off their tanker in the bay. The fish were tasting like oil. Fruit and vegetables were washing up along the coast for a couple years. A tanker sunk about 12 miles out of Brevig, we didn't find out until a couple years later, near Sheldon Jackson Point. Nome has infrastructure, airport, hospital, port. Brevig supports the Port to be in Nome.

### **US Coast Guard Subarea Contingency Plan**

Presenter: Lieutenant Commander Matthew Mitchell, U.S. Coast Guard

The U. S Coast Guard is hearing consistent themes during round table. In Alaska Prior to 1988, oil spill response was different than it is now. Exxon laws passed: Exxon was a game changer. Oil Pollution Act of 1990. Act says we have to have these area plans. Vessels that fall under US jurisdiction and authority have to have vessel response plans. Facilities that store petroleum products also need spill response plans. Basics of the law, tying into discussion on tank farms. Act clearly lists who is responsible for each responding party. Say a barge runs aground and oil starts going into the water. The barge is 100% responsible for cleaning it up, this barge will have a response plan in place with: which organization is going to be hired to professionally respond with tools and equipment needed such as Chadux. If your barge doesn't start action on cleanup, the US Coast Guard will hire someone and then charge you 3 times the cost to clean it up and send lawyers after you to make sure you pay. When Shell came to do exploratory drilling they brought a ton of equipment, probably more than Alaska has ever had. (APDT) Alaska Petroleum Distributors and Tankers have an alternative plan, boom suitable for containment, trained personnel. Lower 48 do not have this alternative plan due to our tankers operating so far away in desolate areas providing for a first step of response. Crowley specifically builds their tank barges for shallow water. Focus on industry being a responsible party, US Coast Guard watches over them and make sure they comply. Bulk of Chadux equipment is based in Anchorage ready to fly out. Exercise done in Kotzebue, recognize the first responders will be locals, US Coast Guard may be there in a few days. They do want to provide some kind of training. Flew in equipment including boom and conducted training. Going to carry out this same type of training in Nome in June 2016.



**Figure 3: Lieutenant Commander Matthew Mitchell, USCG, 2016 BSVAS Workshop**

There are 10 different subarea plans throughout Alaska. Three managed by Environmental Protection Agency (EPA), the remainder are managed by the U.S. Coast Guard. Partners with EPA and Alaska Department of Environmental Conservation (ADEC). Contingency plan

overview. Federal level, National contingency plan, regional plan, area contingency plan, all made by law. Alaska Regional Response Team coming to Nome this year, made up of 11 organizations. Dispersant use is a long process to be approved, not easily deployed. Sensitive area portion needs proper expertise. Subarea Committee - ADEC, Coast Guard, EPA. Update plans using small working groups. Sensitive areas need to be designated by people with the proper science and proper education. Rely on Department of Interiors science and expertise to do that. Community profiles handed out for each community for review & revision. Generally try to update plan every 5 years, last update was in 2012. There are vessels on innocent passage routes that don't have as stringent regulations as the US. If a vessel plans to sail within 3 miles of land, a State pilot needs to be onboard. Plans don't make decisions, accountable people make decisions. Time sensitive areas are admittedly not well documented. So many different scenarios you can't even imagine. Best to let decision makers make the best decision possible under the circumstances.

#### **Participant comments to USCG and Lt. Commander Mitchell's response:**

*"Locals are first responders. Not sure if anyone is interested in their old military site, they have a good airport. Nothing but pepsi can boats, 18 foot lunds."*<sup>3</sup>

*"I grew up on King Island, I love it there. Do all the ships know that they are never to dump anything once they go into the straits?"*<sup>4</sup>

If Russians are coming to US ports, they are required to have spill response plans in place. Rest of the voyages may be innocent passage and not under our jurisdiction, if you're a ship on innocent passage, you can drop anchor and start up the next day. For example, our vessels that sail overseas delivering goods are not subject to their regulations or jurisdiction either.

They have to be coming to, or from a US port, or conducting some type of business in these waters. For example these vessels that are parked and transferred cargo, a mother ship type of operation, they would be under our jurisdiction because they're conducting some type of business in our waters, they're not just going straight through. If it were just going straight through it would not be under our authority and jurisdiction.

We don't have the authority to force International vessels to do certain things but that's why the Arctic Waterways Safety Committee<sup>5</sup> is coming up with best practices which will then be required by the insurance companies of those boats. So even though it sounds voluntary it becomes sort of like a best practice that you force everybody in to. You can put in information on subsistence hunting and how to keep them out of subsistence areas, you can put in

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<sup>3</sup> Delbert Pungowiyi, 2016 BSVAS participant

<sup>4</sup> Vince Pikonganna, 2016 BSVAS participant

<sup>5</sup> <http://www.arcticwaterways.org/home.html>

information on discharges, you can put in recommended speed limits during migration, you can put in all kinds of stuff into the plan that they're creating.

### **Traditional Knowledge**

Presenter: Julie Raymond-Yakoubian, Social Science Program Director, Kawerak.

*Traditional knowledge (TK) is a living body of knowledge that is acquired and utilized by indigenous communities and individuals in and through long-term resource use and environmental observation. It is transmitted intergenerationally. TK is a practically applicable body of knowledge, one that integrates personal experience with oral traditions. It provides perspectives applicable to an array of human and non-human phenomena. It is deeply rooted in history, time, and place, but is adaptable and dynamic in ways that keep it relevant and useful in contemporary life. This knowledge is part of, and used in, everyday life, and is inextricably intertwined with peoples' identity and cosmology. Tradition – and TK – does not preclude change, nor does it equal 'the past.' In fact, it inherently entails change (e.g. in adaptation processes).<sup>6</sup>*

Kawerak collaborates with several environmental organizations such as Oceana, and Audubon on mapwork. Maps have been used by Port Clarence area communities to discuss port development and fish habitat. Such things as Walrus haulout locations have changed dramatically according to local experts at Savoonga and maps have helped the Social Science program document those changes. The Diomede, Shishmaref, and Wales mapping project on currents could be used to help prepare for oil spills. The Social Science program spends time with local experts. The Social Science Program uses a thorough process of informed consent and works closely with tribal councils. We gather knowledge and experience, through interviews, through group discussion. Those materials are transcribed by staff. Transcripts sent to interviewees for review and approval before final product. Shipping and other similar activities have arisen in social science interviews. The marine resources are related to physical, mental, spiritual well being and are very important. There is a wide distribution of subsistence resources across the region, there are intergenerational relationships, resources are vital to tying the two together. Tied to language, and dance. Protection of environment and resources that people depend on is of primary importance to Kawerak and in each community. Topics brought up during projects:

1. Vessel and wildlife contact
2. Vessel and small hunting boat contact
3. Communication between vessels and locals
4. Communication between locals and authoritative agencies

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<sup>6</sup> Raymond-Yakoubian, B. and J. Raymond-Yakoubian. 2015. "Always taught not to waste": Traditional Knowledge and Norton Sound/Bering Strait Salmon Populations. Arctic-Yukon-Kuskokwim Sustainable Salmon Initiative Project 1333 Final Product. Nome, Alaska: Kawerak Social Science Program

5. Remoteness, frequent adverse weather conditions
6. Presence of sea ice is a big factor, strong ocean currents, outdated charting, number of migrating mammals, etc, is huge
7. Noise pollution
8. Small accident can have huge impacts on a community
9. Climate change impacts such as commercial fleets moving Northward following the fish
10. Need proactive approach on protecting our resources

### **Golovin Emergency Response Plan**

Presenter: Toby Anungazuk, Jr. and Carol Oliver, Chinik Eskimo Community

Golovin developed an Emergency Response Plan (ERP) template from the State of Alaska<sup>7</sup> and Department of Homeland Security.<sup>8</sup> As a result of consecutive flooding which had never happened consecutively before, Golovin decided to take action to protect their community from flooding. Last Summer the sea water was 8 inches higher than 30-40 years ago. 4 wheeler trails have been continually displaced by high water. The city of Golovin also worked with State of Alaska on the ERP.<sup>9</sup> Every year boats, snowmachines, dogs, people have to be moved during flooding. Community members all work together on the ERP. Concerns include: water surrounded school gathering place during one storm. In Golovin numerous entities work together to save their community or implement ERP elements.



**Figure 4: Toby Anungazuk, Jr., Chinik Eskimo Community, EPA/IGAP program (5th from left), Presenting to 2016 BSVAS Workshop**

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<sup>7</sup> [www.ready.alaska.gov](http://www.ready.alaska.gov)

<sup>8</sup> <https://www.ready.gov/business/implementation/emergency>

<sup>9</sup> <https://www.ready.alaska.gov/plans/>

Golovin experienced problems with erosion, water tank being built on hill, new homes, tribal building. Old fish plant now falling into lagoon, working with AK Department of Environmental Conservation (DEC) to get it cleaned up and hopeful the grant will go through. U.S. Army Corps of Engineers and AK DEC looked at that a few years ago.

Federal Emergency Management Administration changed rules on declaration of disaster, you no longer need to go through the Governor for declaration but tribes need 25% match to get funds from State, no tribes have that resource. If the federal government declares a disaster and the tribe already declared with the State, the State is off the hook for the 25%.

Road program, mainly to protect facilities. There is talk about moving the school or raising it, would take a lot of money. Half of homes are in flood zone.

### **Second day - Tribal Roundtable**

On the second day participants completed a review of roundtable discussion of issues and concerns brought up on the 1st day and highlighted the following:

- Spill response preparedness in Wales
- Protected harbor at Teller and need to train local people
- Port development for Nome - want to be at table
- New animal diseases showing up
- Subsistence/commercial fisheries are very important to protect
- Fuel barge refueling outside of Punuk must be stopped
- Sea ice disappears very fast from Shishmaref
- Change in crabbing at Cape Denbigh due to sea ice loss
- There is a delicate cycle of life, impacts, concerns with opening of Northwest passage
- More green water at Port Clarence and late freeze up
- Very little ice at Unalakleet and diseased seals
- Concern of ships dumping waste despite regulations
- There is a need for local responder training
- Elders concerned with shipping route
- Local expertise is important in all policy decisions
- Submerged boat at Rocky Point with no cleanup
- Tankers washing decks in Port Clarence, oil sheens

The US Coast Guard reported "grey" water can be discharged anywhere within 3 miles from shore while "black" water must be disposed of beyond 12 miles. Ships are never allowed to dump plastic.

Graywater<sup>10</sup> is wastewater from:

- showers and bathtubs;
- hand-washing lavatories;
- wastewater that has not contacted toilet waste
- sinks (not used for disposal of hazardous, toxic materials, food preparation, or food disposal)

Blackwater<sup>11</sup> is wastewater from:

- toilets
- discharge waste containing feces or urine

### **Stewart Tocktoo, Brevig Mission**

Port Clarence, natural deep water port. Brevig needs just 500 more feet of expansion on runway and large aircraft can land. Would like to see this developed and should be addressed to State/DOT.

### **Delbert Pungowiyi, Savoonga**

Water rights, we're federally recognized tribes, recognized as tribal nations but they do not let us enjoy all the rights the nation enjoys. 99.9 percent of sovereignty is trespassed on. Congress will allow only ICWA to exercise our sovereignty. The U.S. Supreme Court ruled against Venetie and said we had signed away our sovereignty in the land claims settlement act of 1971. I would like to pass the words from my Grandfather, sovereignty is not something solid, it's a God given gift, you cannot sign it away on a piece of paper. It can never be taken away, even by force, but it can only be trespassed on. If we could get that, then we have more authority in protecting our waters. We never had no lines drawn. Gambell walrus hunting is getting hard for both communities. Russia doesn't like us going across the line, the line was never there historically. My Grandfather Alfred Tungiyun told me: "As you and I are sitting here unaware and all the peoples of this world, our Mother earth is preparing to renew herself. Our belief is that mother earth is a living being and all creations came from the earth." What he spoke of, today we're witnessing. The loss of ice, worldwide natural disasters, weather getting worse at magnitudes not known. "To our way of life, we are almost returning." I understood that as we're going to have to revert back to our way of survival. I'm glad we're keeping to hunting, trapping, that's what we're going to need to fall back to. A lot needs to be done, address carbon dioxide emissions, make recycling international law, the biggest problem is us, our population.

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<sup>10</sup> <https://www3.epa.gov/region9/waterinfrastructure/training/energy-workshop/docs/2010/ResidentialGraywaterReuseHiMauiOahuKauai.pdf>

<sup>11</sup> ^ [Jump up to: # 2](#) Tilley, E., Ulrich, L., Lüthi, C., Reymond, Ph., Zurbrügg, C. *Compendium of Sanitation Systems and Technologies - (2nd Revised Edition)*. Swiss Federal Institute of Aquatic Science and Technology (Eawag), Duebendorf, Switzerland. p. 10. [ISBN 978-3-906484-57-0](#).



**Figure 6: Delbert Pungowiya, Native Village of Savoonga representative, 2016 BSVAS Workshop**

### **Vincent Pikonganna, King Island**

Heard about stuff like this when I was young. There were shamans long ago. It was said there will come a time when you start seeing animals you've never seen before. You'll see weather you've never seen before. The 4 winds will get stronger. It's happening now. If all the coastal villages work together, I think we could be a lot stronger. When a problem comes to me, I don't turn around and run, I like to face it, deal with it the best way I know how. If I can't stop it, I go and ask advice from someone that's older than me. I understand what we're up against, it makes one feel so uncomfortable knowing all these ships just do what they want to do. I love my native food, we all grew up on it. God forbid if something happens, we are going to be the ones to suffer, not they. The land, animals, especially us. Going to be more vigilant. I love the land, I love the ocean. 150 years ago this is how our ancestors used to travel. I said this once and I'll say it again, they would travel in an umiaq, sometimes it took 2-3 days to go to a trading place. When they beach, the captain walks the width of the beach, he would stop there and address the heavens asking permission to enter the land. They didn't go around tearing it up, it's not mine, we didn't make it. Take care of our land, pass it on to the next generation. Keep it clean, teach the young ones right from wrong. We are the people taking care of the waters and these ships go by without a care. Do we own these waters? We're so passive, why can't we make a rule. All of these ships, if they throw trash send them back down to wherever they came from. This is our food, we eat from that area, we all eat from that area. This is getting way of out hand. I don't go hunting and throw my trash out, my Dad taught me that. Why can't people be more respectful. I love this area, we go to King Island every Spring and egg hunt. I don't want to eat something that's contaminated. We were taught by our ancestors to take care of our land.

**Blanche Okbaok-Garnie, Teller**

Seems as though a lot of our concerns are similar in the region. Glad to be here and that things will be moving forward and will hear from you again.

**Morris Nakaruk, Elim**

Enjoyed hearing from other villages, what elders told them. They don't just talk for nothing, they're trying to educate so our people can continue to live. Workshop was important, things I learned at this workshop, I will bring back to my people.

**Deahl "Doug" Katchatag, Unalakleet**

We have a lot more to look forward to, this is just one little step towards what we need to do. Not much we can do about global warming but we can find ways to live with it.

**Nathan "Nick" Topkok, Teller**

In my community, people would feel better if Kawerak could help with some kind of HAZMAT training, so they can be prepared if they do have an oil spill.

**Wilbur Napayonak, Koyuk**

Our people have been very adaptive to changes.

**Axel Jackson, Shaktoolik**

Invite beluga whale and walrus commissions. Show a video of sensitive areas, where the beluga go to breed and calve. Video of what's happening in all of Alaska. Teach our kids not to dirty our land, ocean.

**Reuben Weyiouanna, Shishmaref**

Red Dog, what all are they hauling out of there, going through our area. Don't know where they haul their materials to. Violent weather when it's North wind. Starting to see more and more cruise ships even they're 30-40 miles out.

**Toby Anungazuk, Jr., Golovin**

Emergency response plan, do them for your communities. If you want funding in your community, the response plan is needed. Heard traditional blessing during spring hunt. Lose respect for animals and the animals get harder to hunt. Don't trash the land and waters because we rely on that. We need to respect our ecosystem as well as other people that pass through. Things are changing, the Arctic Ocean is melting. Going to be getting some big, big waves, it happened in 2004. Flooded downtown Golovin, could expect to see more of that.

### **Mike Sloan, Nome Eskimo Community**

Increased shipping, hate to see a disaster, ship wreck or oil spill, it's bound to happen. It will affect all of our communities. Maybe there will be more push for a FAI-OME road, that would bring forth more environmental issues we need to protect.

### **Stewart Tocktoo, Brevig Mission**

Hazwoper training, Northwest Community College went to Brevig for the last 2-3 years. Got our local people on the 24 hour hazwoper, that's good for Port Clarence Bay, that's our bread and butter right there. Hazwoper training, important for villages to get that training, if you have an IGAP program you can utilize that money. Would like to see 500 more feet of runway. ERPS, glad to know some communities have that, just forming the group in Brevig.

### **Sherman Richard, Wales**

I understand what Shaktoolik said about the workshop, feels a little too short and the handouts could have been spent more time on but we can bring these back to our councils. Climate change, the 80's when we had ice in the ocean all year, saw that in the slide from the book. Two times were listed when there was no summer. What worries me is a winter with no ice. The last couple years, spring hunting we haven't been able to go out a lot, the ice leaves so fast and is so broken up, it's hard to travel on. Afraid to get out on the ice and lose equipment, have to wait a certain time to go out. I've seen about 10-12 seals that were sick, the liver didn't look good. None of the crews wanted to take them in their boats to send out for study because the boats were already loaded with good meat, the older ones didn't want them mixed with the good meat, didn't want to spoil it. Why doesn't Alaska have a road system at least to the major hubs, that would slow down on some of the barge shipping, maybe the costs would go down but then we would deal with land issues.

## **Moving Forward**

As the Bering Strait region experiences climate change and the ever increasing possibility of additional marine shipping activity in our traditional homelands and waterways, this workshop report will be used to advocate for local priorities. This workshop report represents local leader's diverse views and concerns related to climate change and increased shipping. Workshop participants expressed the need for safety and continuance of the subsistence lifestyle in rural villages. It is anticipated that local communities will have some difficulty in seeing all of their concerns addressed so that communities are safe. However, the narratives from this report are crucial so that state and federal agencies are aware of the concerns from local communities. Kawerak will share this report widely so the concerns within this report are conveyed to appropriate agencies and organizations. Without this report, Kawerak would be at a slight

disadvantage in assisting local communities and advocating for safety. This report fits with Kawerak's mission and goals to ensure our people and tribes are thriving; to advance the capacity of our people and tribes for the benefit of the region; to work together to achieve the highest quality of life in partnership with our tribal members and communities while living and celebrating our Native cultures.<sup>12</sup> From that standpoint, the workshop and this report met expectations.

The first expectation was that communities would be informed of the U.S. Coast Guard and Alaska Department of Environmental Conservation's Northwest Arctic Subarea Contingency Plan. Oil spill response planning will be a major activity for the Kawerak Marine Program in 2016. The Kawerak Marine Program will follow up with Bering Strait region communities to ensure their voices are heard when the Northwest Arctic Subarea Contingency Plan is revised in 2016.

The second expectation for BSVAS 2016 was full participation from workshop participants. All workshop participants were asked for their opinion on relevant local topics and follow up discussions were facilitated on both days to elicit ideas and concerns.

Kawerak understands that the process of marine advocacy doesn't end with the workshop or this report. Marine advocacy in the face of climate change will require dedicated efforts over a long time period and perhaps across changing political views. On March 9, 2016 the U.S. White House released two critical documents related to the national strategy for the Arctic:

1. 2015 Year in Review, *Progress Report on the Implementation of the National Strategy for the Arctic Region*, Arctic Executive Steering Committee, March 2016<sup>13</sup>
2. Appendix A, *Implementation Framework for the National Strategy for the Arctic Region*, March 2016<sup>14</sup>

Both documents are important for Arctic communities as they deal with climate change and shipping. The documents express the importance of the arctic from the Administration's perspective. Bering Strait tribes are fortunate to have a friendly Administration at this time. Bering Strait tribes may consider ways to advocate for community health and safety while we have the ear of a friendly administration.

One way is to approach the President with ideas for protection at the Federal level. The following are three relevant examples of co-management ideas or designation listed herein from

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<sup>12</sup> <http://www.kawerak.org/weare.html>, Kawerak's mission and goals 2016

<sup>13</sup> <https://www.whitehouse.gov/blog/2016/03/09/advancing-implementation-national-strategy-arctic-region>

<sup>14</sup> <https://www.whitehouse.gov/blog/2016/03/09/advancing-implementation-national-strategy-arctic-region>

other parts of the nation where tribes have asked for protection and appear to be achieving protections. Those examples are:

1. The Bears Ears Inter-Tribal Coalition propose[d] a U.S. Presidential National Monument designation under the Antiquities Act of 1906 to protect historical and scientific objects in Southern Utah. The area encompasses 1.9 million acres of ancestral land on the Colorado Plateau. [Hopi, Navajo, Uintah and Ouray Ute Indian Tribe, Ute Mountain Ute and Zuni tribes] propose[d] that the most appropriate and effective management strategy is Collaborative Management by the Tribes and Federal agencies.<sup>15</sup>
2. Papahānaumokuākea Marine National Monument is administered by 3 trustees: Secretary of Commerce, Secretary of Interior and the State of Hawaii. A Senior Executive Board – composed of a senior-level designee from the Department of Commerce, the Department of the Interior, and the State of Hawai‘i Department of Land and Natural Resources – provides policy guidance to their respective agency staff assigned to carry out Monument management activities.<sup>16</sup>
3. The Yukon River Inter-Tribal Watershed Council is an indigenous grassroots non-profit organization, consisting of 73 first nations and tribes, dedicated to the protection and preservation of the Yukon River Watershed. The YRITWC accomplishes this by providing Yukon first nations and Alaska tribes in the Yukon Watershed with technical assistance, such as facilitating the development and exchange of information, coordinating efforts between first nations and tribes, undertaking research, and providing training, education and awareness programs to promote the health of the watershed and its indigenous peoples.<sup>17</sup>

Through Federal recognition of some kind, Bering Strait region tribes could enjoy the protections they are most concerned about in regards to their communities and lifestyles. The Kawerak Marine program gave considerable thought to the notion of a Federal designation and below describes some of the main points of a request for consideration to the President:

First, President Obama can recognize the cultural importance of our ancestral connection to the sea, and upon that basis ensure tribal governments are properly included in all future federal decisions affecting the northern Bering Sea and Bering Strait. The national strategy<sup>18</sup> for the arctic released by the White House recognizes and emphasizes the role of Alaska tribes and meshes well with ideas and concerns voiced by 2016 workshop participants.

Second, tribes must be able to protect the Northern Bering Sea and Bering Strait area while also protecting the subsistence and small boat fisheries, and also allow for the tribes to adapt to a rapidly changing environment into the future. Executive Orders help staff and agencies of the

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<sup>15</sup> <http://www.bearsarscoalition.org/proposal-overview/>

<sup>16</sup> <http://www.papahanaumokuakea.gov/about/management.html>

<sup>17</sup> <http://www.yritwc.org/About-Us/About-Us.aspx>

<sup>18</sup> [https://www.whitehouse.gov/sites/default/files/docs/nat\\_arctic\\_strategy.pdf](https://www.whitehouse.gov/sites/default/files/docs/nat_arctic_strategy.pdf)

executive branch to manage the operations within the federal government itself and can be individualized and designed for tribes to be involved with federal decision making.

Lastly, Tribes have a small window of opportunity with President Obama and we know he is friendly to Alaska Native issues. In the past, Kawerak worked cooperatively with others to establish a trawl boundary for the Northern Bering Sea Research Area with the North Pacific Fishery Management Council. Taking advantage of this window to protect the Northern Bering Sea and Bering Strait proactively is important in this last year of President Obama's term.

In 2016 *Crystal Cruises* is offering a brand new destination for global ocean cruises. Dubbed *Northwest Passage Cruise 2016*<sup>19</sup> it will be the first time a cruise ship of such size will attempt a transit of the Northwest Passage. The cruise has received global attention.<sup>20</sup> The *Crystal Serenity* will not be able to dock to port anywhere in western Alaska except Dutch Harbor but will explore arctic locales and may maneuver to preferred locations. The Kawerak Marine program will monitor all aspects of this cruise and report to Bering Strait region tribes.

Kawerak's commitment to advocacy goes back to its original foundation in 1967 as the Bering Straits Native Association and later in 1973 as Kawerak, Incorporated. Our Alaska Native lifestyle is based upon a long standing ancestral connection to land and sea, it is that connection which drives our mission and advocacy. Alaska Native tribes have much to offer to the global community and when tribes can collaborate effectively with government and industry the best decisions are made. This workshop report is a building block towards potential collaboration.

Oil spill response is a significant concern for the Bering Strait region with average annual spills in the Northwest Arctic greater than 10,000 gallons. Participants reiterated the concern and would like to be proactive about response training and capability. Participants want to protect waters and ensure any shipping, fueling, and transport is safe and waters are not impacted. The Marine Program does not offer oil spill response training but other Kawerak programs have offered such training and will continue to do so as long as funding permits. A significant proactive step towards oil spills and response planning is ensuring that tribal concerns are relayed to the appropriate agencies. The Northwest Arctic Subarea Contingency Plan ([http://dec.alaska.gov/spar/ppr/plans/scp\\_nw.htm](http://dec.alaska.gov/spar/ppr/plans/scp_nw.htm)) is the best preparedness and response planning document for Alaskan communities, and communities can provide input so their concerns are addressed. Input can be made directly to the U.S. Coast Guard or Alaska Department of Environmental Conservation at the following addresses:

**to the U.S. Coast Guard:**

US Coast Guard Sector Anchorage  
Contingency Planning Force Readiness  
PO Box 5800  
JBER AK 99505-0800  
PHONE (907) 428-4200  
FAX (907) 428-4218

**to the State of Alaska:**

Department of Environmental Conservation  
Division of Spill Prevention and Response  
410 Willoughby Ave., Ste. 302  
P.O. Box 111800  
Juneau, AK 99811-1800  
[decsparplanning@alaska.gov](mailto:decsparplanning@alaska.gov)

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<sup>19</sup> <http://www.crystalcruises.com/northwest-passage-cruise>

<sup>20</sup> <http://www.cbc.ca/news/canada/north/cruise-ships-safety-northwest-passage-1.3518712>

PHONE (907) 451-2121  
FAX (907) 451-2362

The input process into the contingency plan can involve Government to Government consultation if it is requested, Kawerak can assist with such a request. Tribes can provide meaningful input into the subarea contingency plan components because of their traditional knowledge.

During the workshop two oil spill responses were reviewed.

1. 2012 Tug *Capt. Hendren* near St. Michael  
[http://dec.alaska.gov/spar/PPR/response/sum\\_fy13/121012301/121012301\\_index.htm](http://dec.alaska.gov/spar/PPR/response/sum_fy13/121012301/121012301_index.htm)
2. 2014 Shishmaref Chukchi Sheen  
[http://dec.alaska.gov/spar/PPR/response/sum\\_fy14/140604301/140604301\\_index.htm](http://dec.alaska.gov/spar/PPR/response/sum_fy14/140604301/140604301_index.htm)

As the oil spill responses were reviewed, participants noted there should be improvement. An obvious improvement identified was with communication. In the St. Michael incident, no follow up communication was made to St. Michael. No quantities were estimated, and the tug sunk with no effort to remove the tug, so far as we know. In the Shishmaref case, an extraordinarily long time was allowed to pass before a cause was determined. Both cases showed clearly that locals become and most likely will be the first responders and therefore the training component of oil spill response should be offered. Tribes can provide meaningful input to incident command and with additional training could become more involved in keeping waterways clean and safe. The Marine Program can not at this time provide any tangible resources for oil spill response. However, oil spill response kits or tools are lacking in rural Alaska and we urge them to be considered for deployment.

The U.S. Coast Guard, National Pollution Funds Center<sup>21</sup> under the Oil Pollution Act (OPA)<sup>22</sup> may be an avenue for funds for rural Alaskan communities to help with oil pollution response. Achieving adequate local capability to respond to or mitigate oil and hazardous spills requires funding and certain infrastructure.

Lastly, Kawerak is pleased to offer this workshop report and thanks each of the 2016 workshop participants, presenters, and invited guests for their participation. This workshop report is an excellent resource for Bering Strait region tribes and will continue to guide Kawerak's advocacy efforts in the future. Kawerak also thanks The PEW Charitable Trusts as a primary funder for the 2016 workshop.

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<sup>21</sup> <http://www.uscg.mil/npfc/default.asp>

<sup>22</sup> [http://www.uscg.mil/npfc/About\\_NPFC/opa.asp](http://www.uscg.mil/npfc/About_NPFC/opa.asp)

## APPENDIX 1, US Coast Guard Unified Oil Spill Contingency Planning



# Unified Oil Spill Contingency Planning

State/ Federal

Contingency Planning in Alaska

<http://dec.alaska.gov/spar/PPR/plan.htm>



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United States Coast Guard

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- **Oil Pollution Act of 1990**
- **Clean Water Act**
- **Alaska Statutes & Regulations**



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# Federal/State Planning Requirements

- **OPA 90 requires USCG and EPA to prepare the National Contingency Plan, plus develop Regional and Area Contingency Plans throughout the country**
- **The Alaska Statute requires ADEC to develop a State Master Plan and 10 Regional Master Plans for the ten “regions” of the state.**



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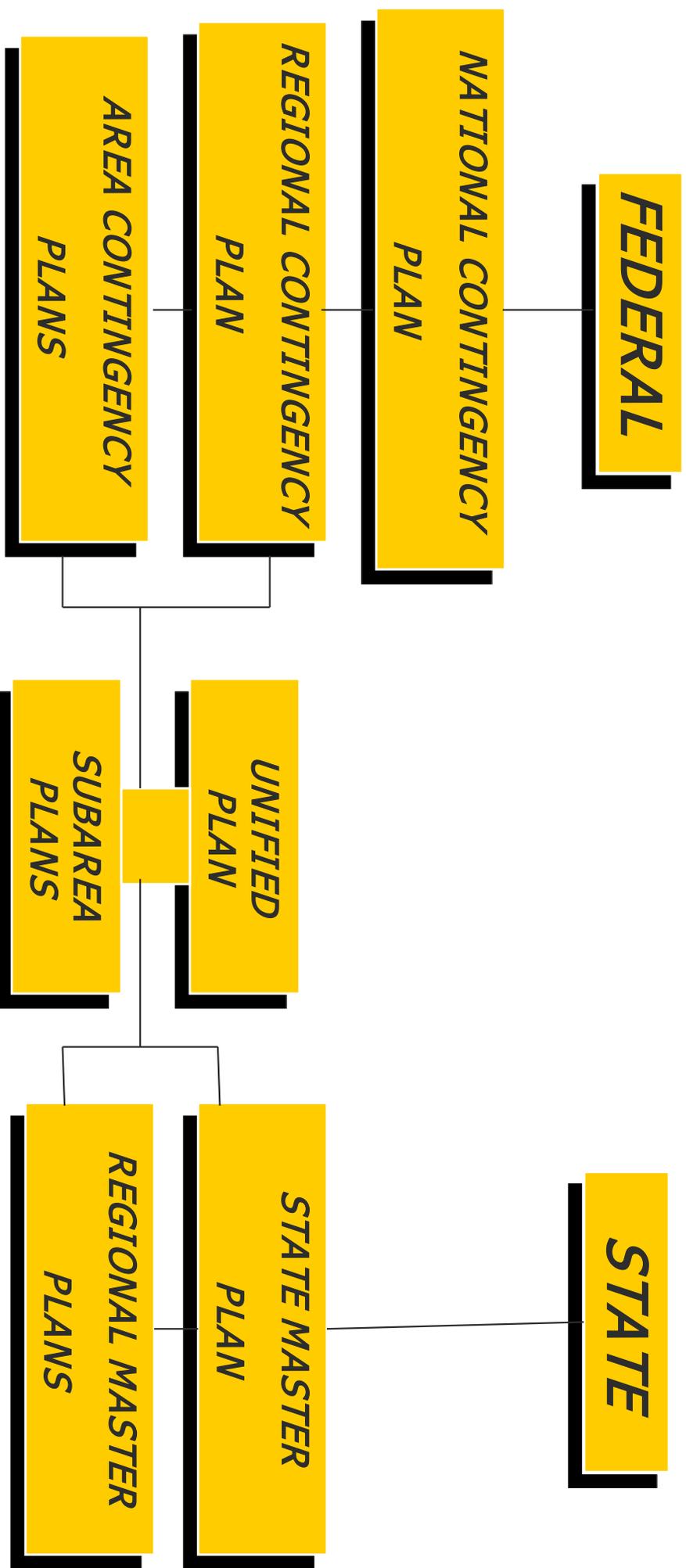






# Joint Government

# Planning in Alaska



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# NCP

## National Contingency Plan

	
CODE OF FEDERAL REGULATIONS	
40	CFR
Protection of Environment	
Parts 300 to 399	
Revised as of July 1, 2014	
OFFICE OF THE FEDERAL REGISTER	



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Security

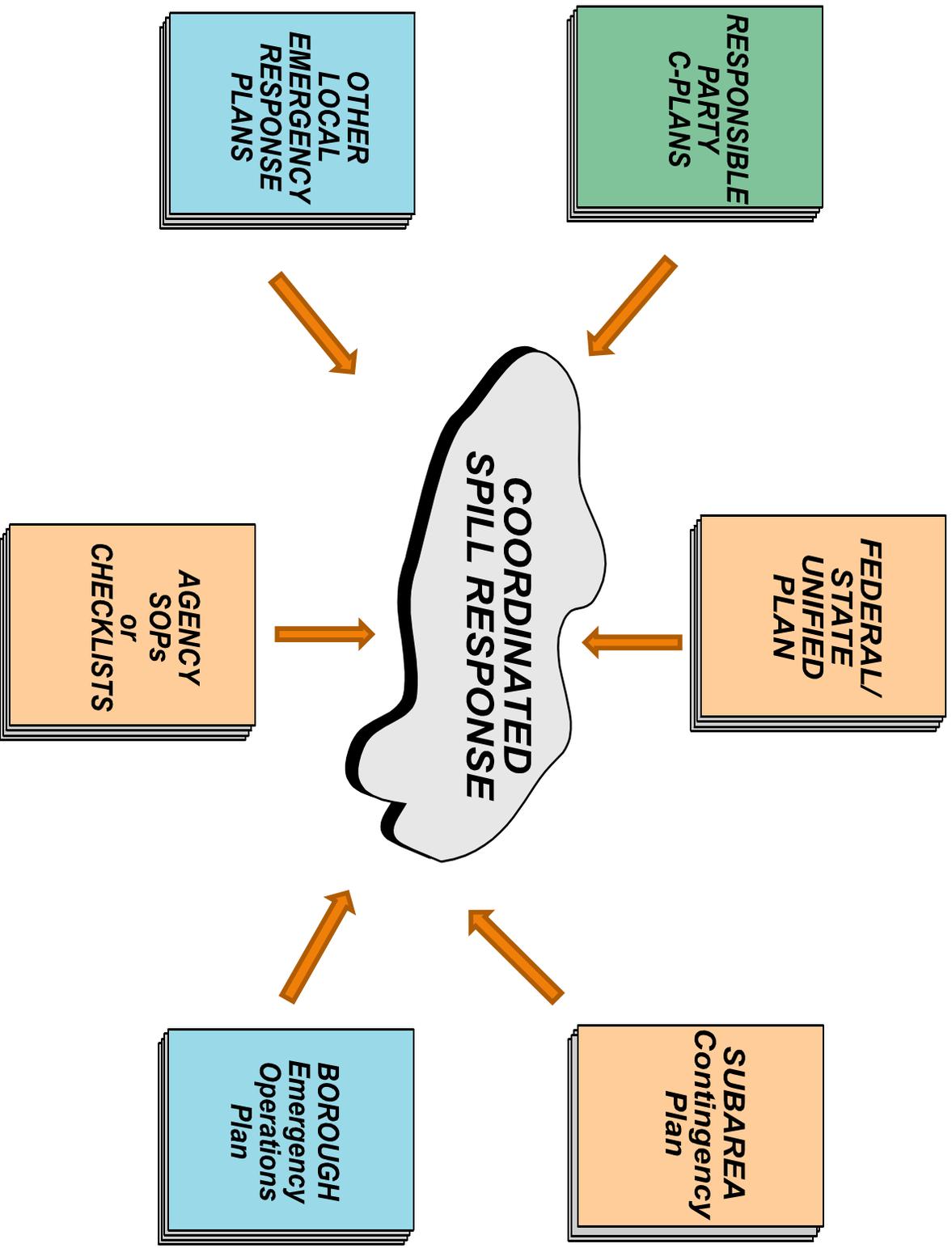
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# Integrated Response



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# Unified Plan

May 1994



The Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases

## The Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases

# The Unified Plan



Homeland Security

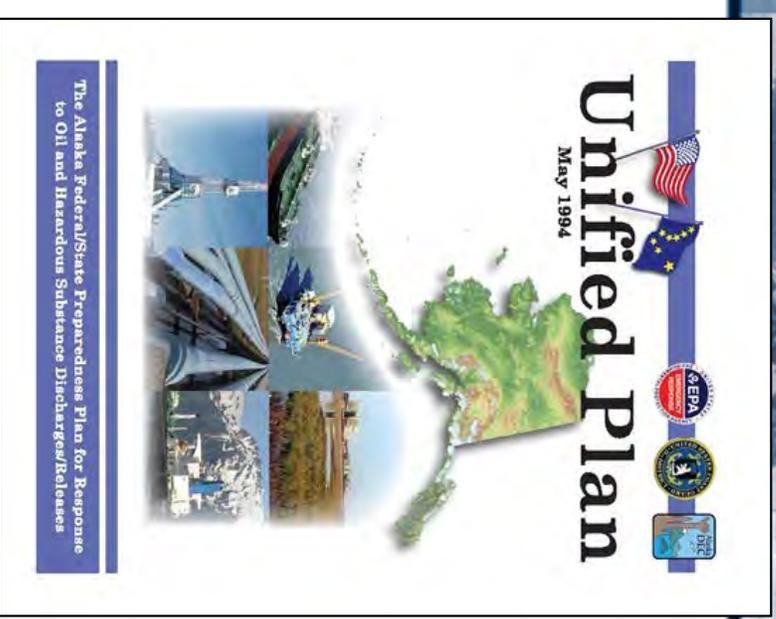
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# Unified Plan

- Describes the strategy for a coordinated Federal, State, and local response to a discharge, or substantial threat of a discharge of oil or hazardous substance within Alaska.
- Provides information and guidance applicable to pollution responses within the entire State of Alaska including:
  - Emergency notification information
  - General emergency response procedures
  - 18 Annexes, A-P, V and Z, by subject matter.



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# Unified Plan - Overview

- **Annex A - Introduction**
  - **Summary of legal mandates**
  - **Agency authority during a response.**
- **Annex B – Unified Response Organization**
  - **Intro to the organization and management of spill response – Incident Command System**
  - **Clarification of “who’s in charge?”**
  - **Federal and State Roles and Oversight Responsibilities**
  - **Disaster Response Organizational Structure**



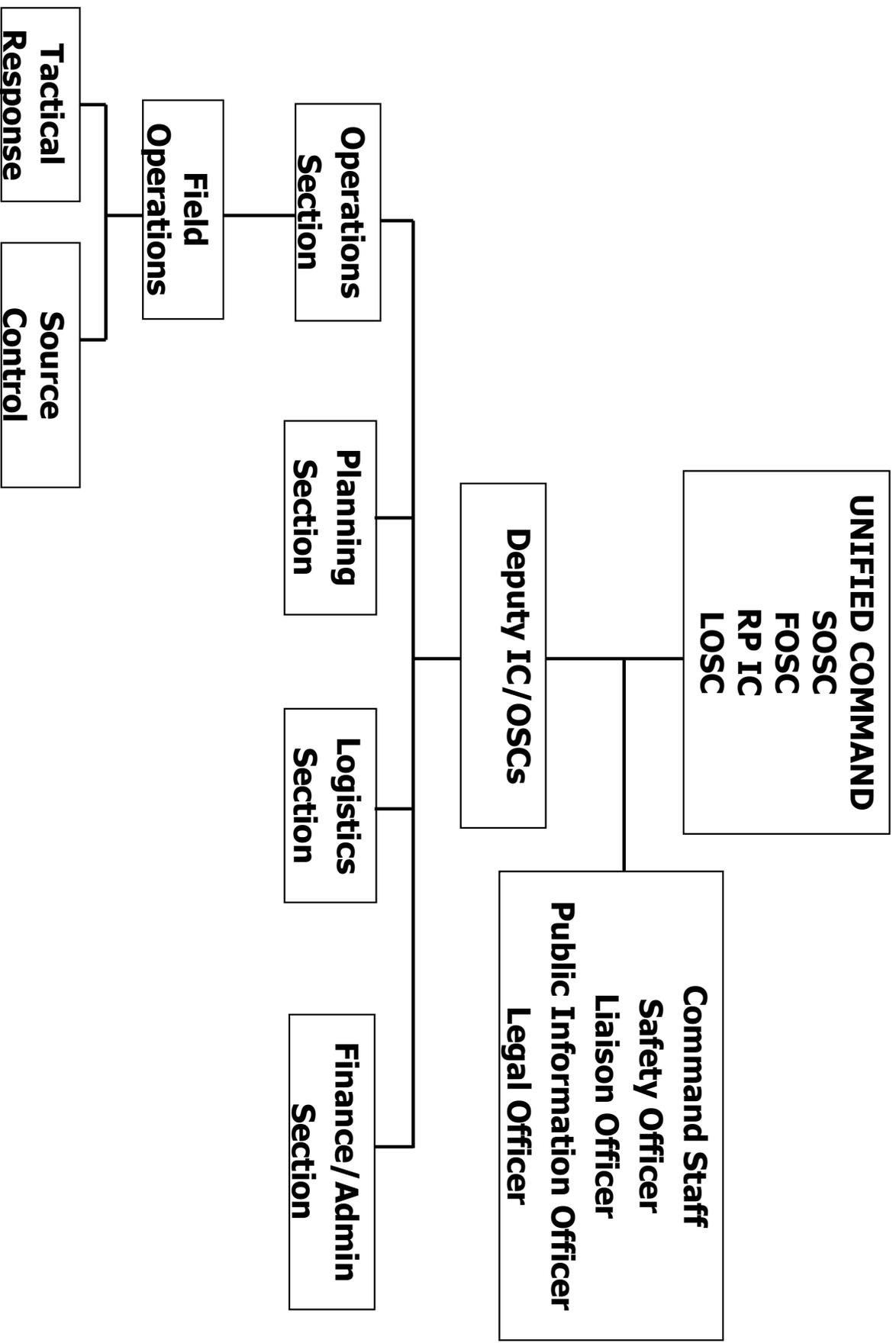
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# Typical Response Organization



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# The FOSC Areas of Responsibility

## Pre-Designated Federal On-Scene Coordinators (FOSC) – Areas of Responsibility

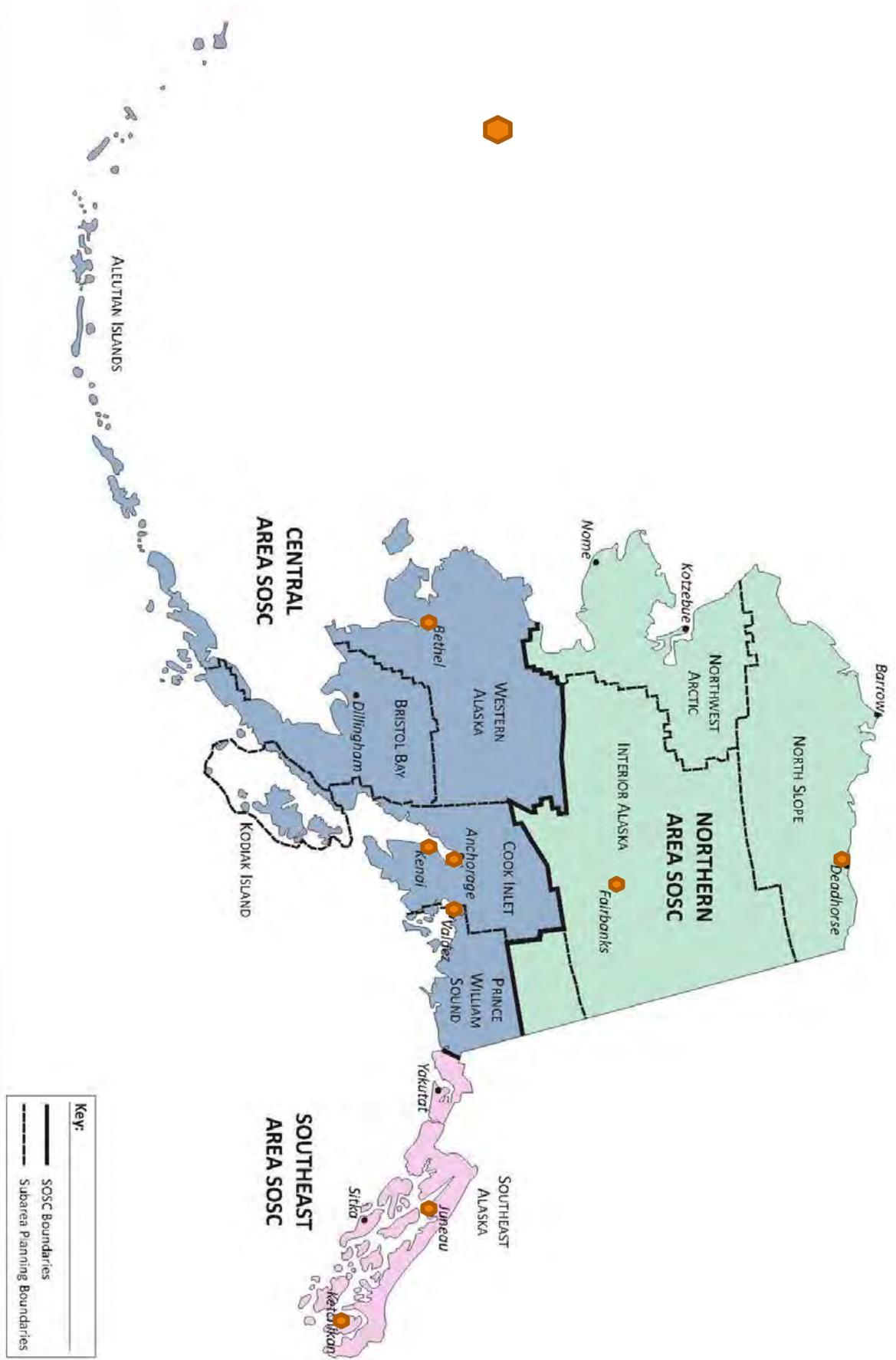
USCG will be the FOSC for spills occurring in the Coastal Zone with the exception of hazardous material releases (non-oil) from DOD/DOE facilities and vessels.

EPA will be the FOSC for spills occurring in inland zones with the exception of hazardous material releases (non-oil) from DOD/DOE facilities and vessels.





# The SOSOC Areas of Responsibility



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# Unified Plan - Overview

- **Annex C – Operational Administration**
- **Funding, reporting, permits & permitting authorities**
- **<http://dec.alaska.gov/spar/perp/permits/index.htm>**

State of Alaska > DEC > SPAR > Prevention and Emergency Response Program

## Alaska Oil Spill Permits Tool

USE MENU BELOW TO NAVIGATE THIS TOOL

Master Permit List

Permits by Agency

Permits by Activity

Other Docs

Incident Data



Alaska's current statewide oil spill response system involves a complex assortment of permits, forms, and applications that must be prepared and filed during various phases of the response. This tool provides streamlined access to over 50 documents, reducing time needed to mount an effective response.

**USE THE MENU ABOVE TO NAVIGATE THE TOOL.**

[CLICK HERE FOR HELP ON USING THIS TOOL](#)

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Security

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# Unified Plan - Overview

- **Annex D – Plan Review and Update**
  - **Unified Plan and Subarea Plan review/updates**
  - **State and Federal Discharge exercise requirements**
- **Annex E – Summary of Area Resources**
  - **Federal and State Resources**
  - **Logistical Information –statewide assets**
  - **Special Forces, Personnel and Information**
  - **Communications, Waste Management and Disposal**



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# Unified Plan - Overview

- **Annex F – Chemical Countermeasures**

- **Dispersants**

- ARRT-Approved Guidelines
- Permit Application
- Pre-identified Zones for Prince William Sound and Cook Inlet



- **In Situ Burning**

- Background
- Permit Application



# Unified Plan - Overview

- **Annex G – Wildlife Protection Guidelines for Alaska**
- **Annex H – Health, Safety, and Training**
- **Annex I – Public Affairs**
- **Annex J – Radiological Response Procedures**
- **Annex K – Applicable MOUs/MOAs**
- **Annex L – Hazardous Materials**



Homeland  
Security

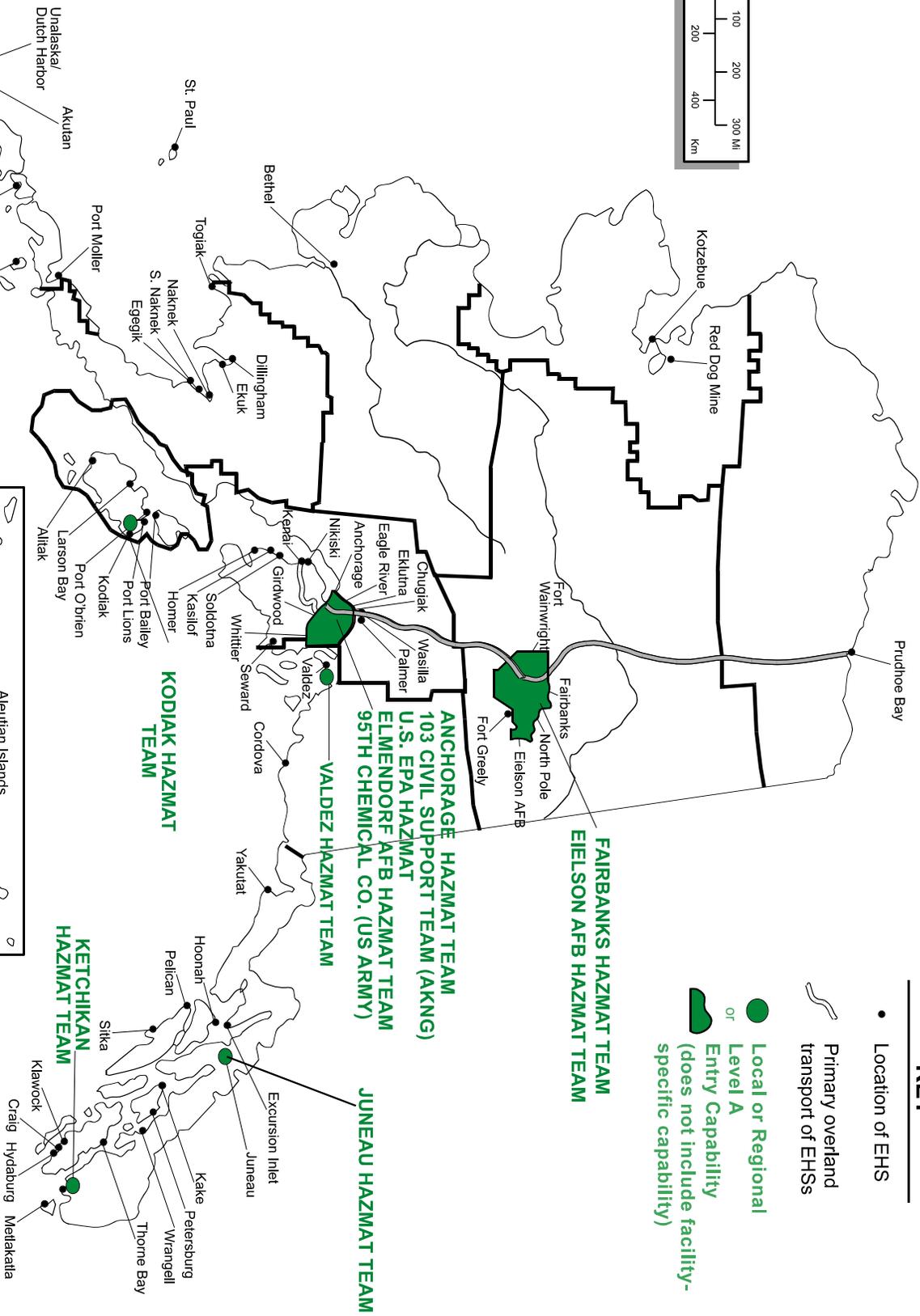
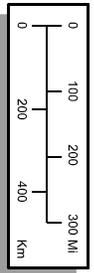
United States Coast Guard

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## HAZMAT Level A Entry Capability (as of: February 2010)



### KEY

- Location of EHS
- Primary overland transport of EHSS
- Local or Regional Level A Entry Capability (does not include facility-specific capability)



Homeland Security

United States Coast Guard

Semper Paratus



# Unified Plan - Overview

- **Annex M – Cultural Resources Protection Guidelines for Alaska**
- **Annex N – Shoreline Cleanup and Assessment Guidelines**
- **Annex O – Potential Places of Refuge**
- **Annex P – Marine Salvage and Lightering**
- **Annex V - Volunteers**
- **Annex Z – Definitions, Abbreviations & Acronyms**



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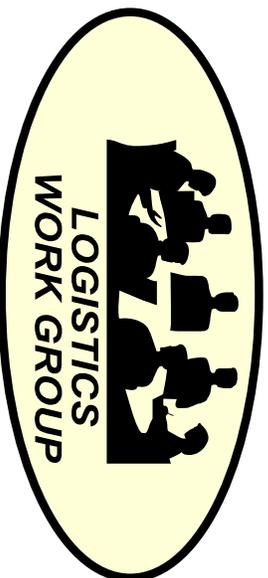
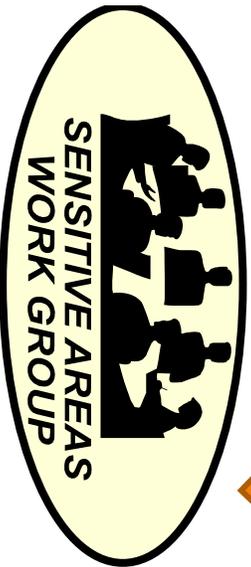
# Unified Plan and 10 Subarea Plans





# Subarea Planning Process

**SUBAREA PLANNING GROUP**



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# Local Government and Tribal Roles in Federal/State Planning

- Tribal & Local Government Input is Critically Important to Federal/ State Plans
- Input Process includes Government to Government consultation, EPA questionnaires, and the public review process.





# Federal/State Spill Response Plans

## Subarea Plan:

- A – Response
- B – Resources
- C – HazMat
- D - Sensitive Areas
- E – Background
- F – Scenarios
- G - Geographic Response Strategies
- H – Specific PPORs

## Unified Plan:

- Response Organization
- Administration
- Dispersants & ISB
- Wildlife Protection
- Statewide Resources
- Hazmat, Radiological
- Health & Safety Guidelines
- Joint Information Center
- PPOR Guidelines
- Volunteer Guidelines



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# Response Section

- **Emergency Response Notification Lists**
  - **FOSC and SOSOC**
  - **Federal and state agencies**
  - **Local governments and other contacts**
- **Unified Command structure and roles of response organizations.**
- **Response procedures, including:**
  - **Response Objectives**
  - **Ramp up Procedures**
  - **Protocols for health & safety, dispersants & *in situ* burning, and waste removal.**



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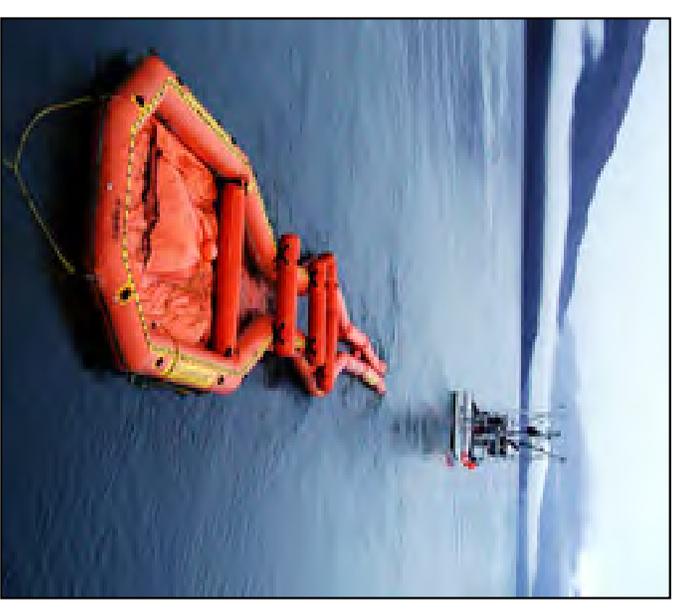


# Resources Section

- **Community Profile on each town or village in the subarea**
- **Response equipment –
  - commercially and non-commercially available, plus spill cooperative inventories**
- **Information Directory**
- **Equipment, personnel, command centers, and communications**

# Resources Section includes:

- **Airports and Air Services**
- **Emergency Services Managers**
- **Fishing Organizations**
- **Hospitals**
- **Media**
- **Native Organizations and Tribes**
- **Port Authorities**
- **Response Agreements**
- **Salvage and Towing**
- **Trustees for Natural Resources**
- **Vehicles**
- **Weather Service**
- **Useful Websites, and much more....**



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# Hazardous Materials Section

- **Hazmat Response Protocols**
- **State and federal authorities, policies, responsibilities, and response capabilities**
- **Hazmat Risk Assessment**



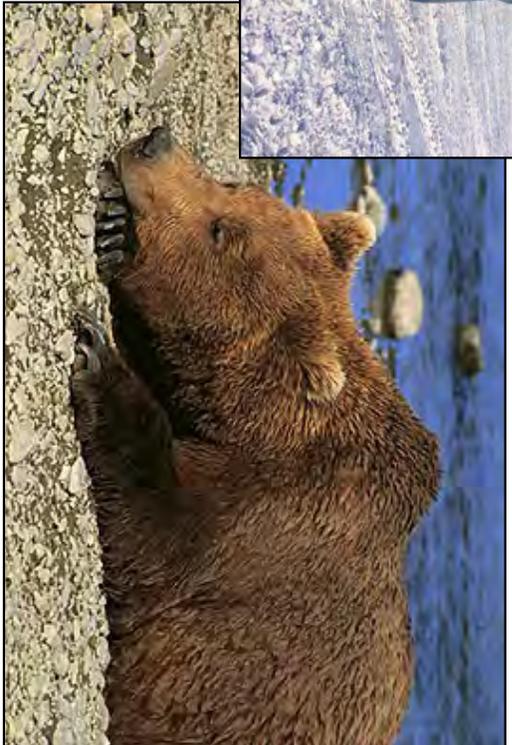
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# Sensitive Areas Section



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# Background Section

- Subarea Description
- Regional Stakeholder Committee
- Federal, State Response Strategies / Priorities
- Spill History
- Oil Fate and Effects



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# Updating the Plans

**Unified Plan:  
updated by the AKRRT**

**SCP:  
Updated by the Subarea  
Committee every 5 years**



Department of  
**Homeland  
Security**

**United States Coast Guard**

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# Questions/Discussion

<http://dec.alaska.gov/spar/PPR/plan.htm>



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## APPENDIX 2, Social Science Program Presentation

# Bering Strait Voices on Arctic Shipping

*Moving Forward to Protect Bering Strait Resources*



**Kawerak, Inc.**

Julie Raymond-Yakoubian  
Social Science Program Director  
Nome, Alaska

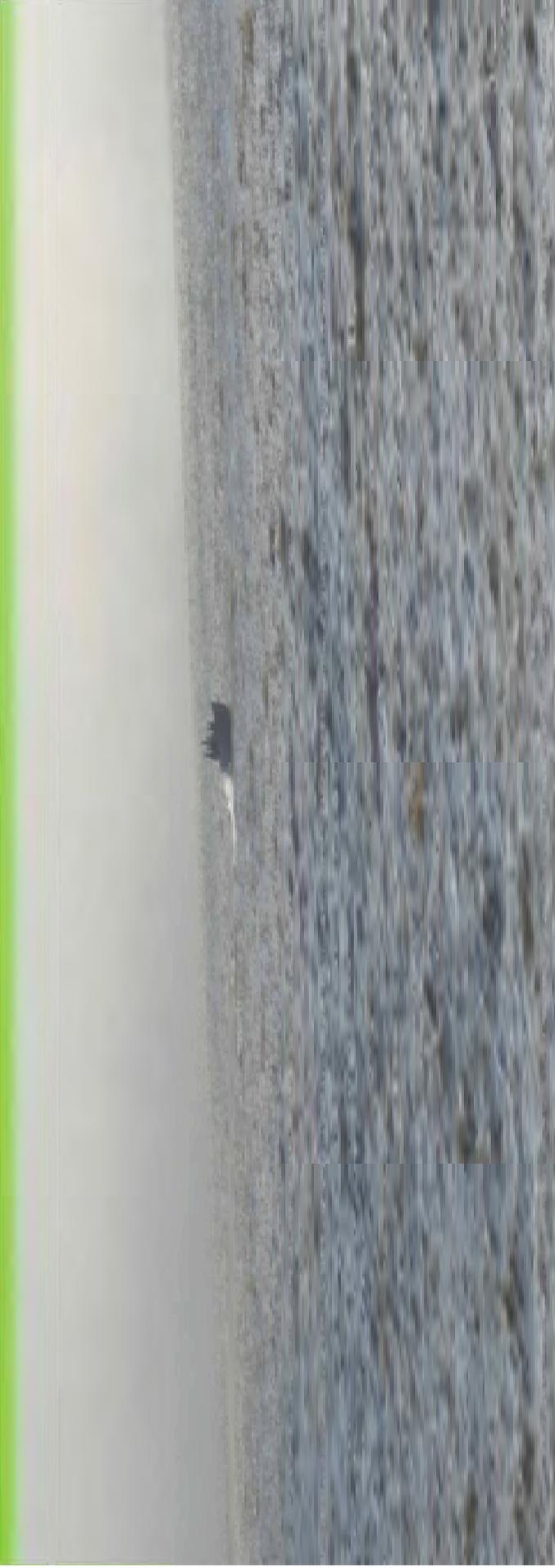
[www.kawerak.org/socialsci.html](http://www.kawerak.org/socialsci.html)

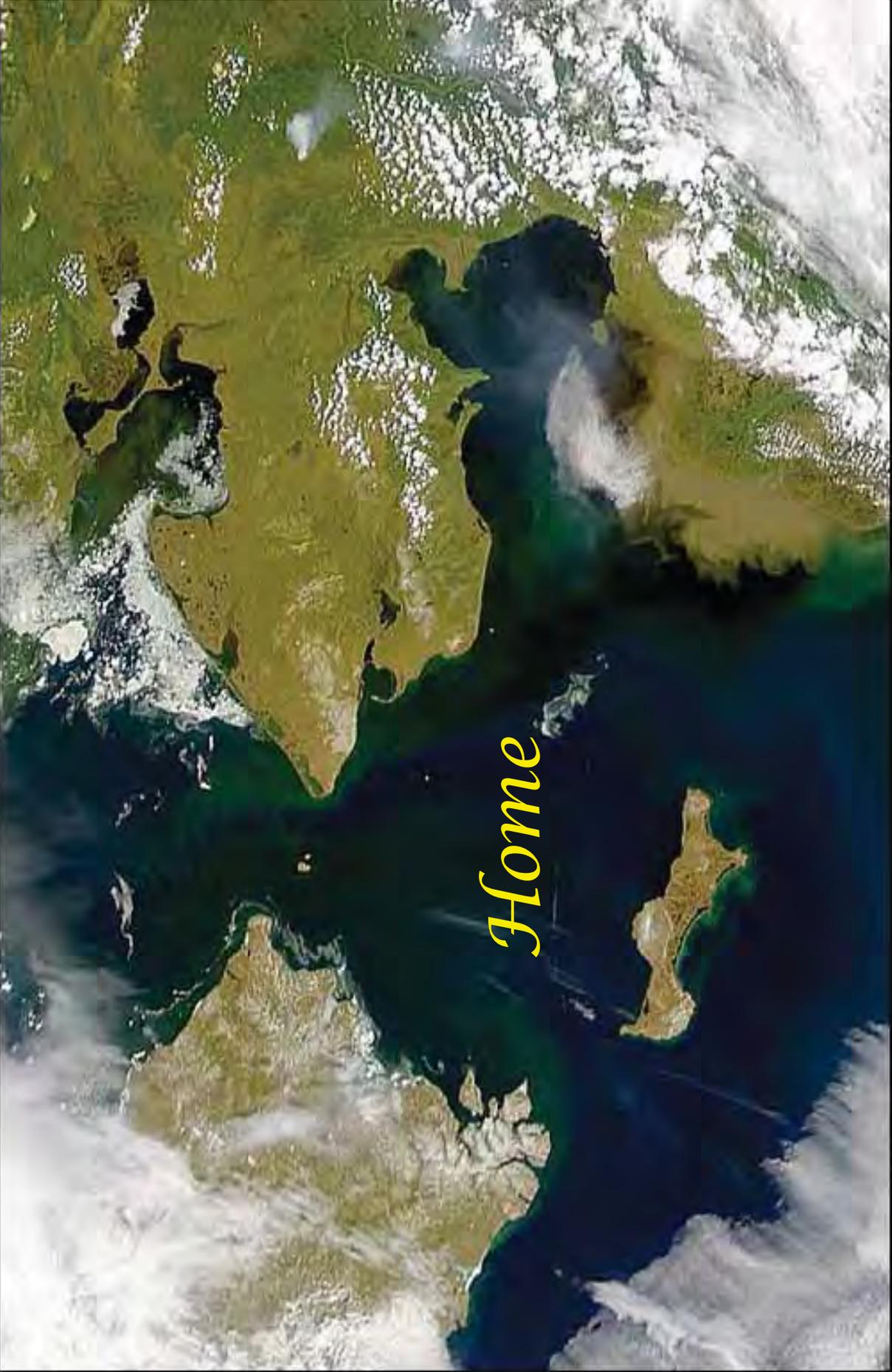
***January 25-26, 2016***

## OUTLINE



- ✓ Kawerak's Natural Resources Division and Social Science Program
- ✓ recent research and activities relevant to regional vessel traffic
- ✓ traditional knowledge
- ✓ vessel traffic-related concerns of tribal communities
- ✓ introduction of some measures to address concerns
- ✓ group discussion





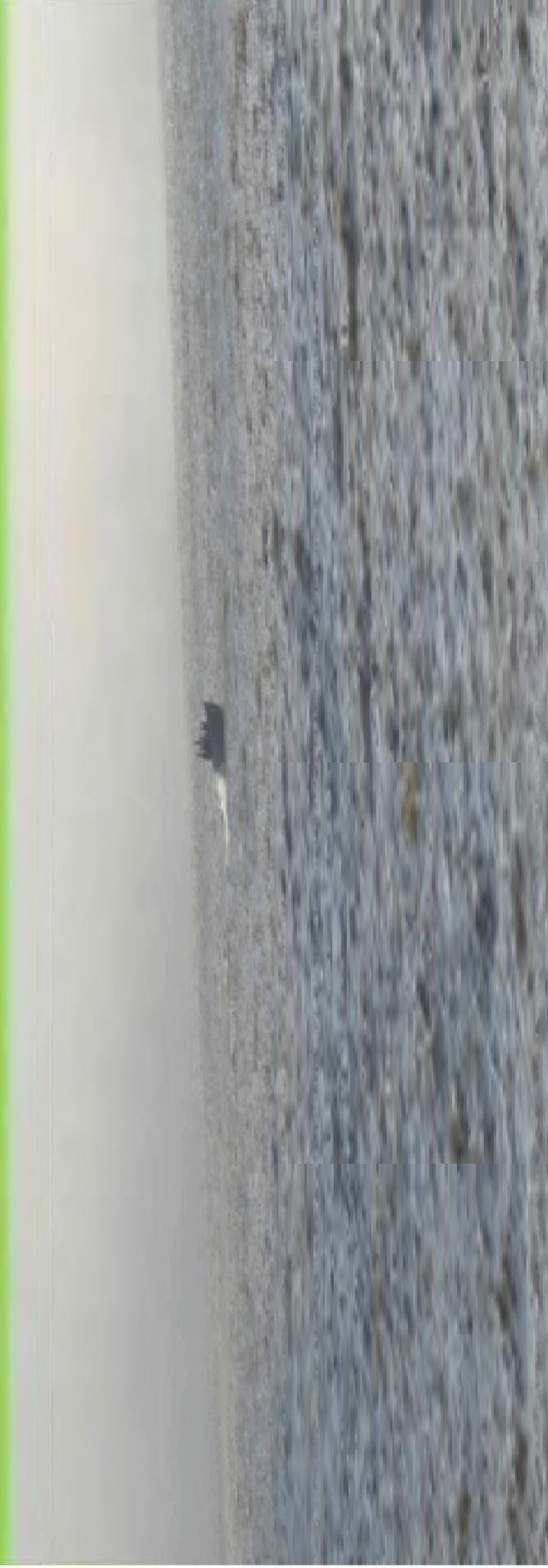
*Home*

# OUTLINE



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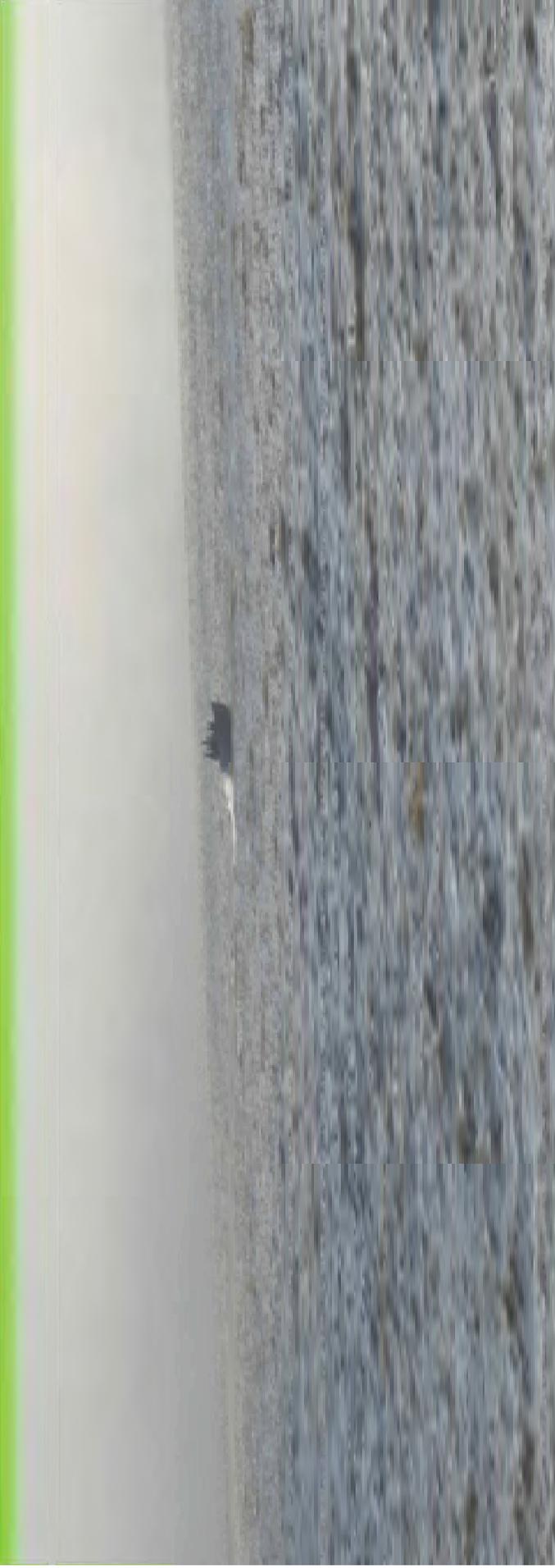
## Kawerak's Social Science Program



## OUTLINE



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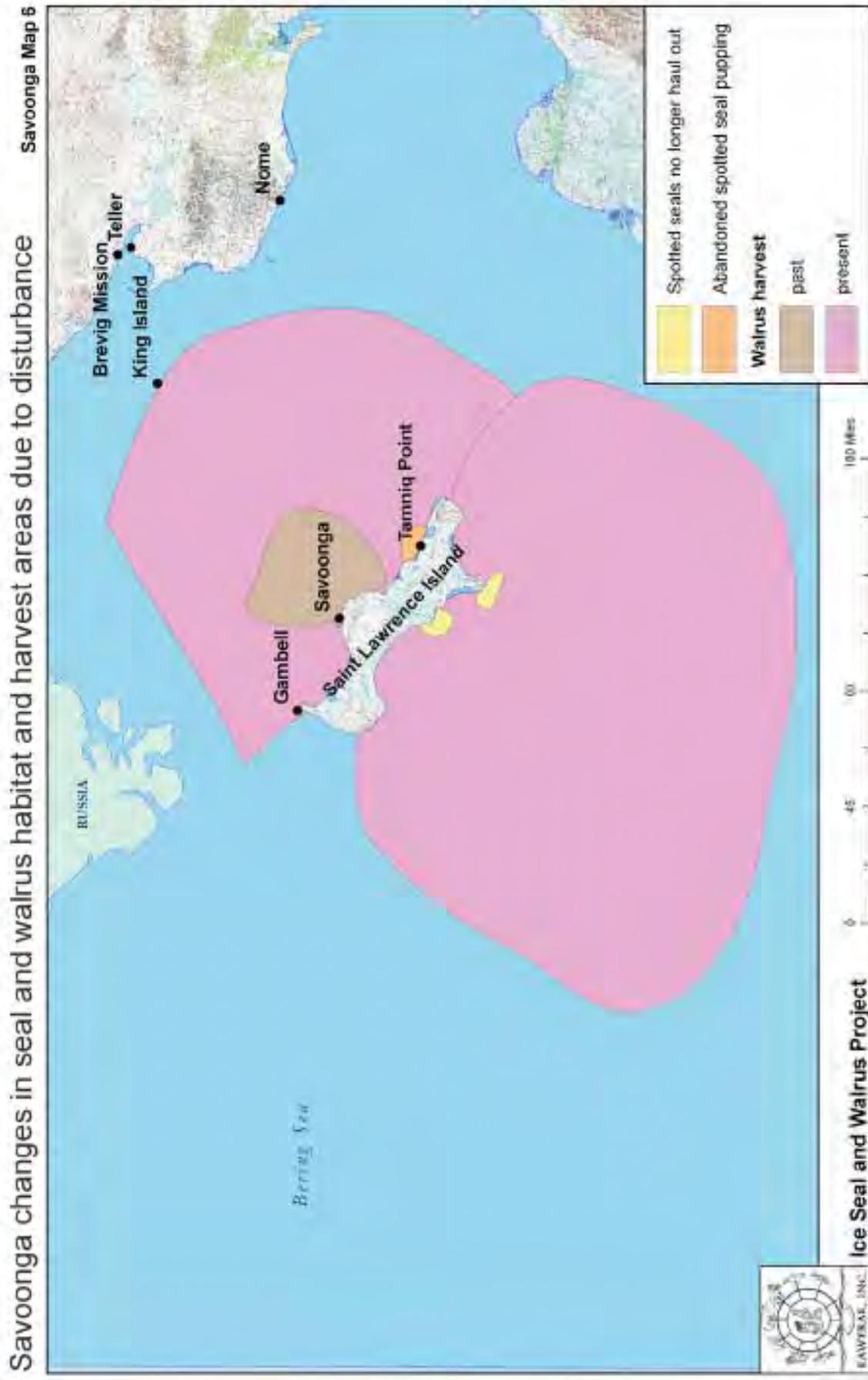
# Subsistence Mapping

- Mapping of non-salmon fish subsistence harvest areas and habitat
- Mapping of ice seal and walrus subsistence use areas and habitat
- Mapping of local ocean currents and other marine features
- Mapping of indigenous place names



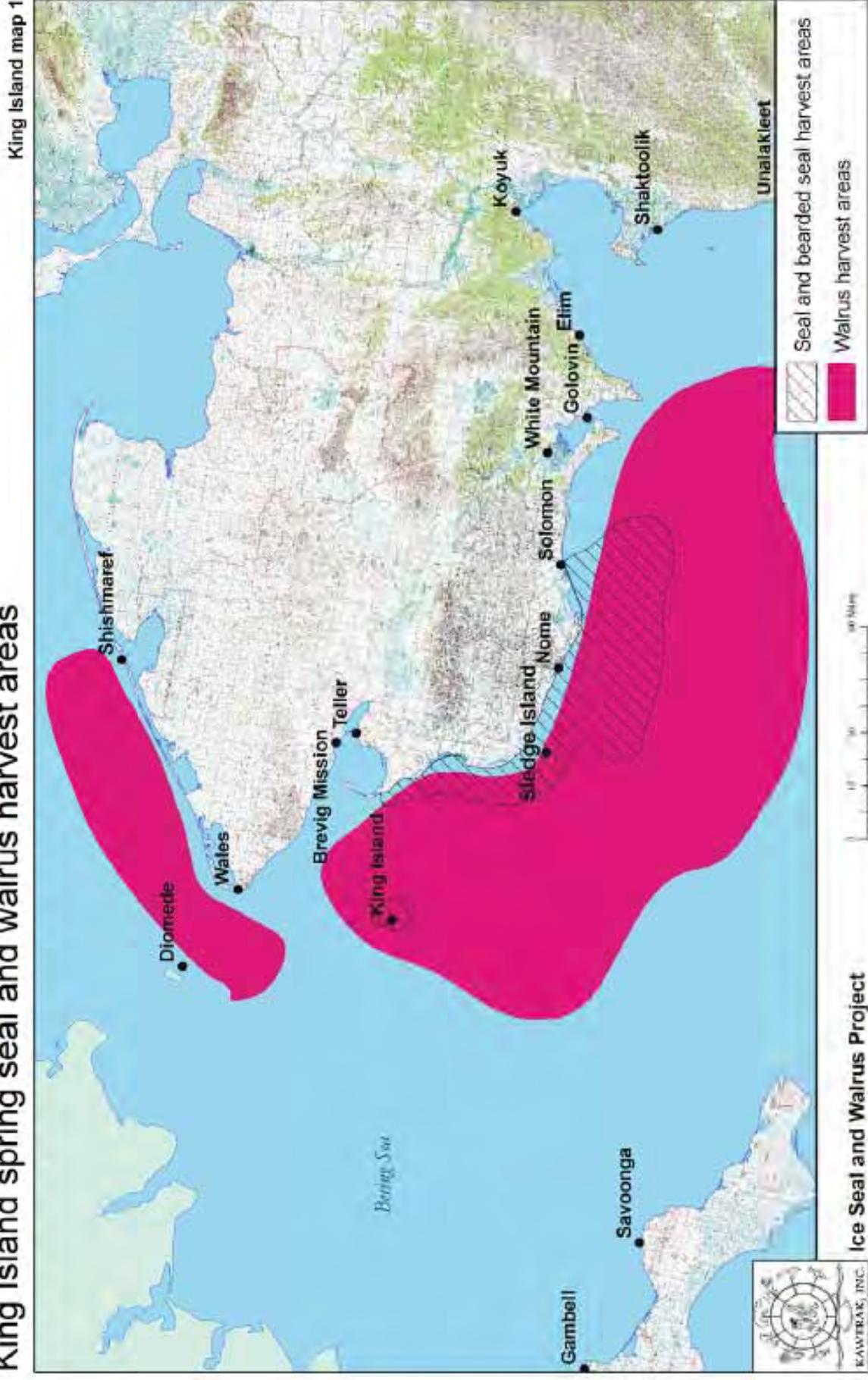


# Seal and Walrus Harvest and Habitat Areas for Nine Bering Strait Region Communities

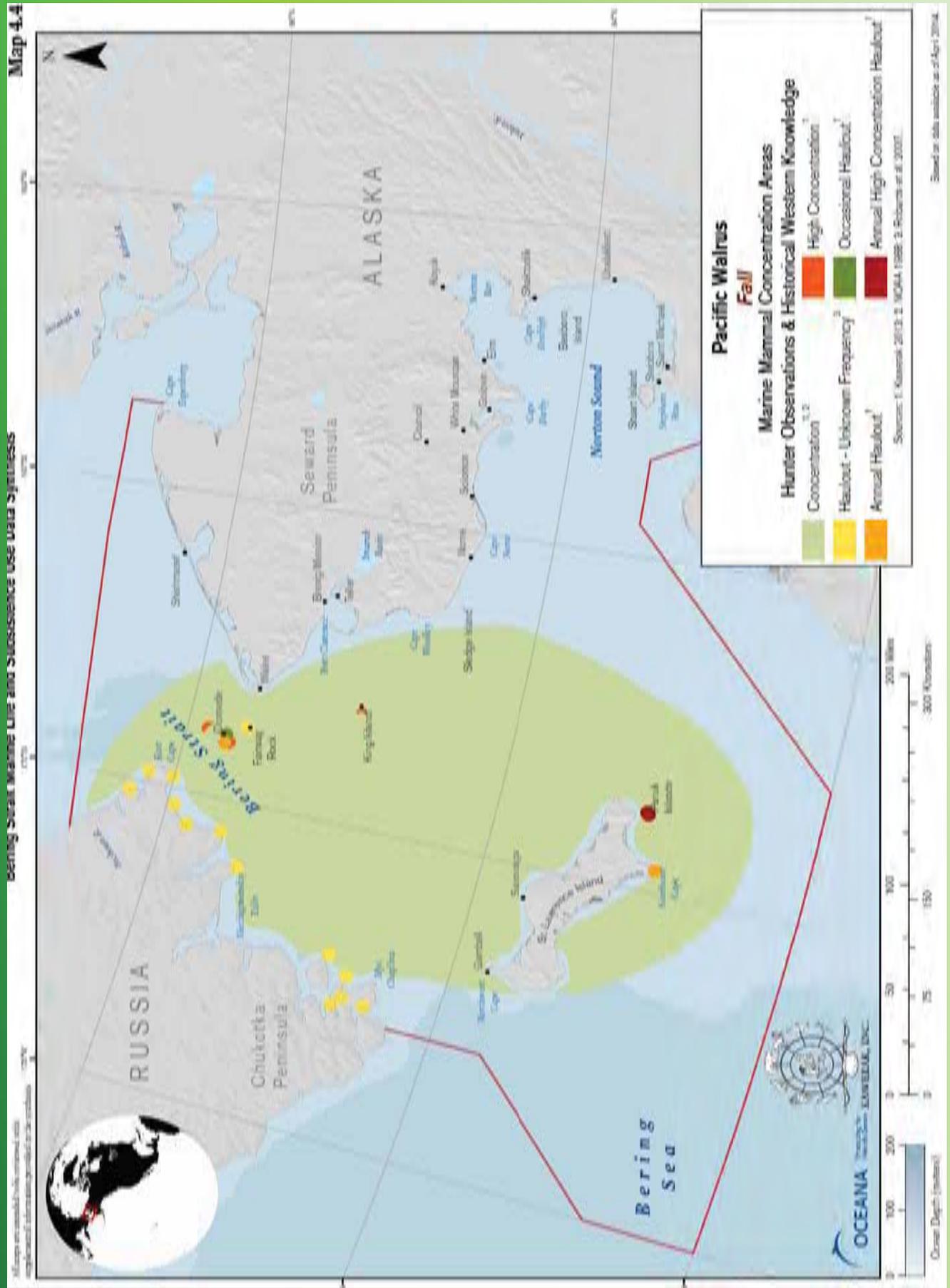


# Seal and Walrus Harvest and Habitat Areas for Nine Bering Strait Region Communities

King Island spring seal and walrus harvest areas



# Oceana and Kawerak Synthesis



# Ocean Currents and other Marine Features Map and Guide

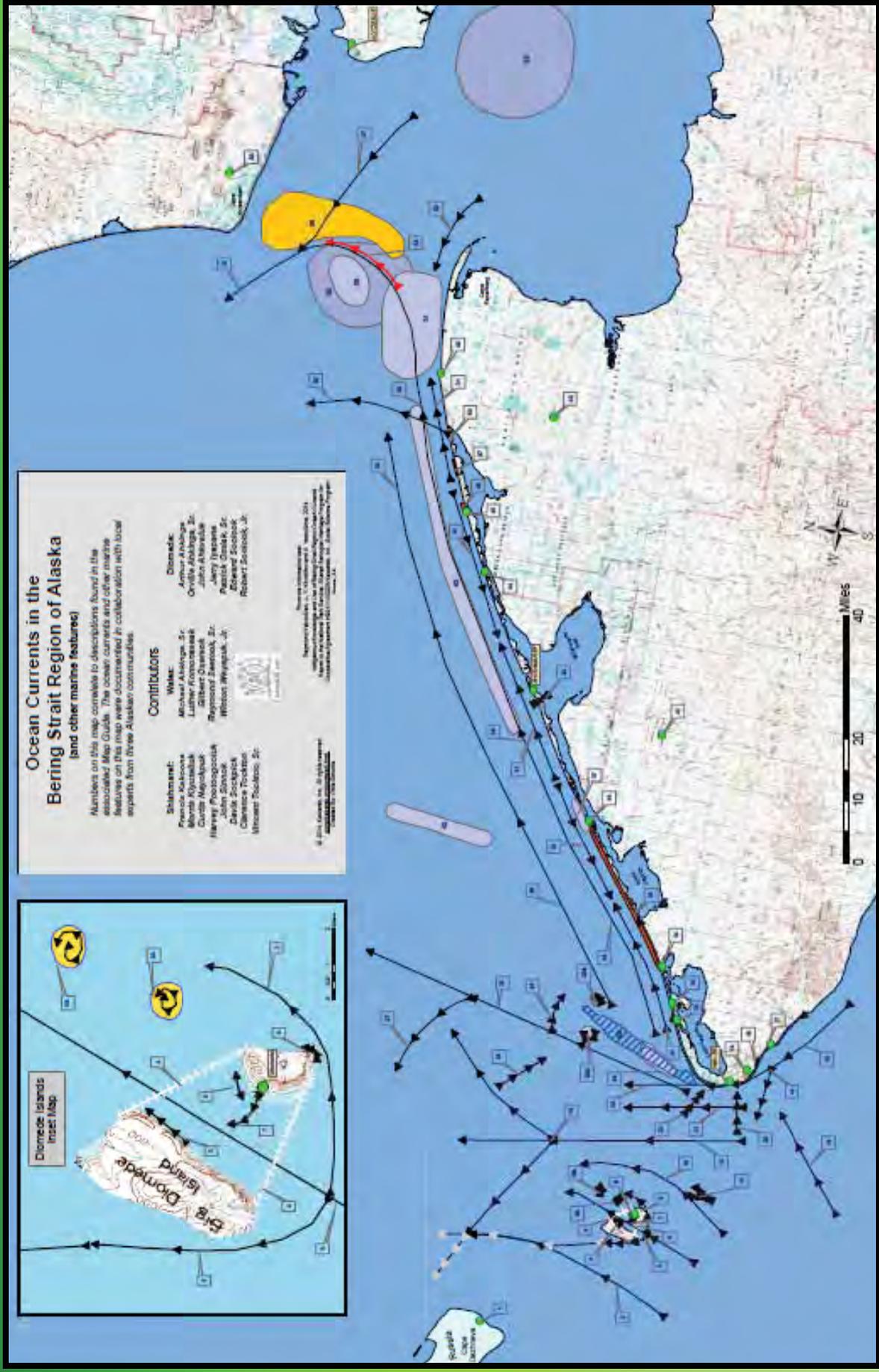


### Ocean Currents in the Bering Strait Region of Alaska (and other marine features)

Numbers on this map correlate to descriptions found in the associated Map Guide. The ocean currents and other marine features on this map were documented in collaboration with local experts from three Alaskan communities.

Shishmarek:	Wainik:	Diomedes:
Freddie Kakuona	Michael Ahlqvist, Sr.	Arthur Ahlqvist
Melvin Kiyatalak	Luther Kozlovskak	Oyvile Ahlqvist, Sr.
Guido Nigolupak	Alfbeer Davanok	John Ahlqvist
Harvey Pootogocook	Agneson Davanok, Jr.	Jerry Trepone
Harold Simek	Wilson Whynapak, Jr.	Paula Trepone, Sr.
Chad Simek		Robert Trepone
Clarence Truckson		Robert Sorenson, Jr.
Wesley Truckson, Sr.		

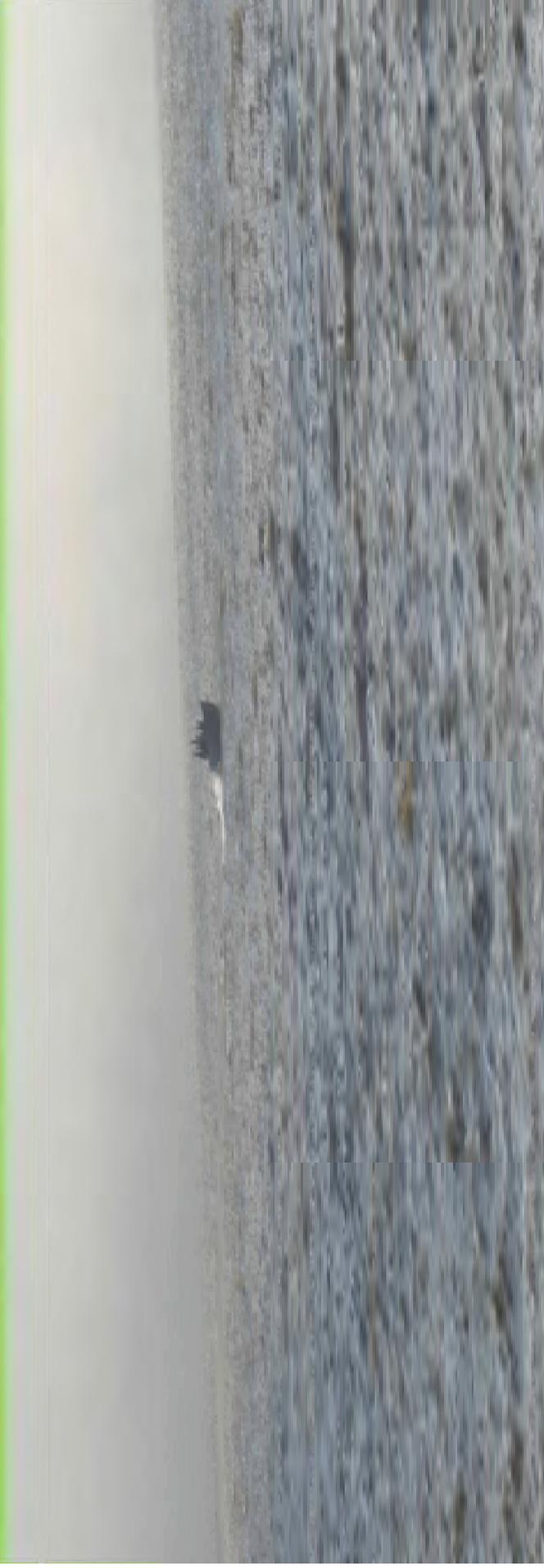
**Map Guide:** This map was developed by the Alaska Sea Grant Program, University of Alaska Fairbanks, in collaboration with the Alaska Sea Grant Program, University of Alaska Fairbanks, and the Alaska Sea Grant Program, University of Alaska Fairbanks. The map was developed by the Alaska Sea Grant Program, University of Alaska Fairbanks, in collaboration with the Alaska Sea Grant Program, University of Alaska Fairbanks, and the Alaska Sea Grant Program, University of Alaska Fairbanks.



# OUTLINE



- ✓ Kawerak's Natural Resources Division and Social Science Program
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- ✓ group discussion



# Traditional Knowledge

“Traditional knowledge (TK) is a living body of knowledge that is acquired and utilized by indigenous communities and individuals in and through long-term resource use and environmental observation. It is transmitted intergenerationally. TK is a practically applicable body of knowledge, one that integrates personal experience with oral traditions. It provides perspectives applicable to an array of human and non-human phenomena. It is deeply rooted in history, time, and place, but is adaptable and dynamic in ways that keep it relevant and useful in contemporary life. This knowledge is part of, and used in, everyday life, and is inextricably intertwined with peoples' identity and cosmology. Tradition – and TK – does not preclude change, nor does it equal 'the past.' In fact, it inherently entails change (e.g. in adaptation processes).”

A 'sea peach' (*Halocynthia aurantium*)

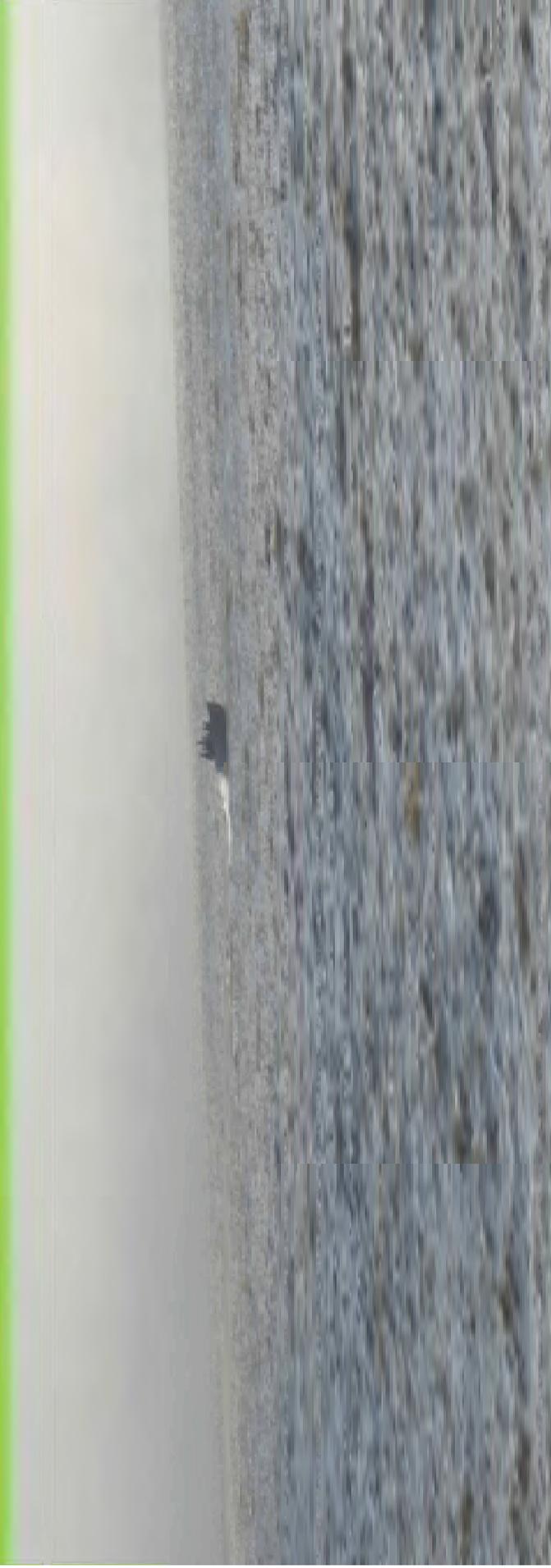


Drying seal meat in the spring.

# OUTLINE



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# Why are marine resources so important to Bering Strait region communities?



- **NUTRITION/WELL-BEING:** they are healthy foods, and being active in subsistence activities is important for physical and mental health
- **ECONOMICS:** play a huge role in household economies, community economies and regional economies (and beyond)
- **SOCIAL:** important part of intergenerational relationships, for knowledge transfer, for maintaining ties between communities and within communities
- **CULTURE:** subsistence-related activities encompass important traditions related to language, dance, religion, eating, cultural values, and individual and group senses of identity

## **Community concerns related to vessel traffic in the Bering Strait region**

- spills, groundings
- lack of true response capability
- large vessel / marine mammal interactions
- noise causing changes to animal behavior or migration patterns
- large vessel / small boat interactions
- Invasive species
- proximity of proposed vessel traffic route to King Island
- proximity of proposed route to Northeast Cape (St. Lawrence Island)
- pollution (water and air)
- communications between vessels and coastal communities
- communications between regulatory/monitoring bodies and communities
- cumulative threats and pressures



# Other Threats and Pressures on Indigenous Communities

in addition to increasing vessel traffic

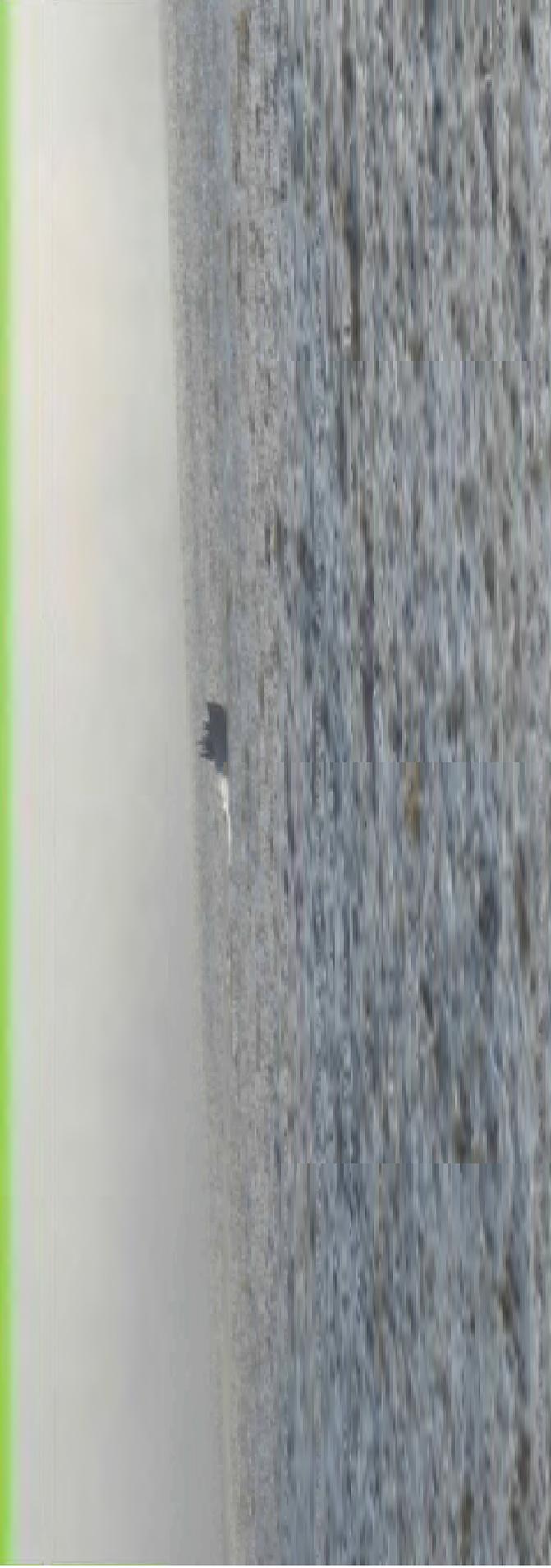
- Offshore oil and gas exploration/development
- The potential for large commercial fisheries moving northward
- Salmon bycatch from the pollock fishery (and others)
- Seal and walrus Endangered Species Act issues (US Federal Law)
- Offshore gold mining
- Climate change and its various impacts



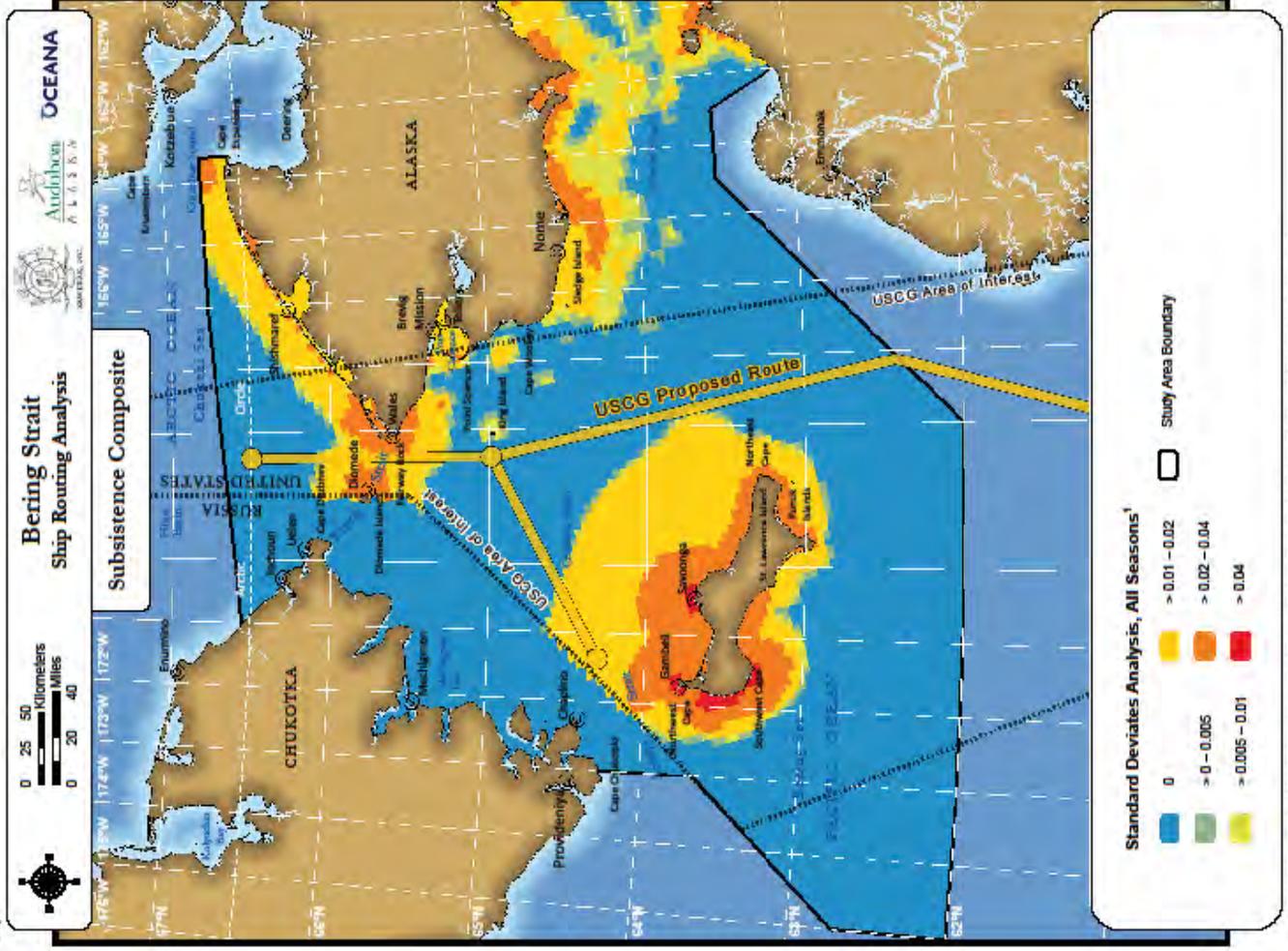
# OUTLINE



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Map 8



## Cape Prince of Wales and the Village of Wales

- Consultation
- Zero discharge area in Bering Strait
- black carbon emission limits
- more response equipment located in-region
- move the traffic route near King Island to the west
- move the traffic route near Northeast cape slightly east
- speed limits
- ATBAs in waters around King Island and St. Lawrence Island, and an ATBA around Little Diomedede Island
- establish a communication system - traffic monitoring, information relay between ships, shore and others.
- AIS receiver/display capability in every region community



## **Contact Information:**

Julie Raymond-Yakoubian  
Social Science Program  
Kawerak, Inc.  
PO Box 948, Nome, Alaska 99762

907-443-4273

julieri@kawerak.org

**[www.kawerak.org/socialsci.html](http://www.kawerak.org/socialsci.html)**



## **APPENDIX 3, Marine Program Introduction**

# W E L C O M E

**Bering Strait Voices on Arctic Shipping**

**January 25-26, 2016**

**Austin Ahmasuk**

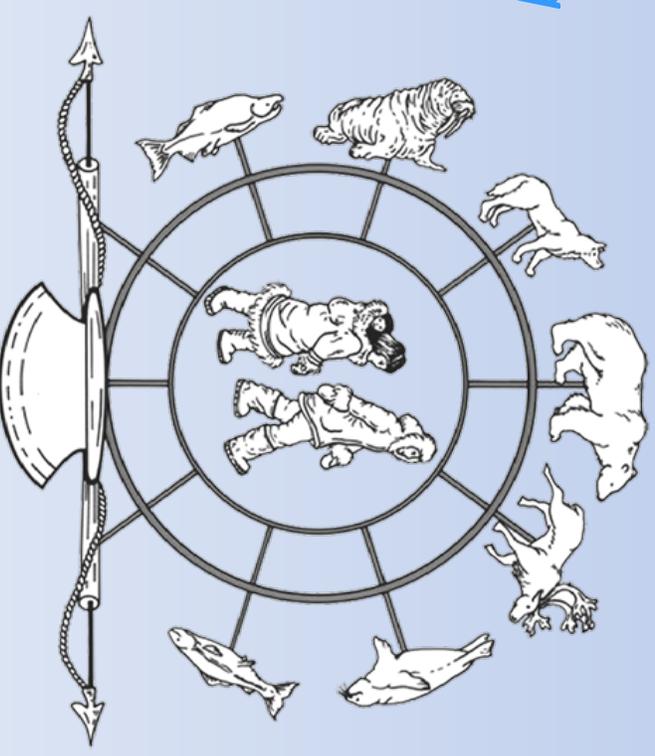
**Marine Advocate**

*[marine.advocate@kawerak.org](mailto:marine.advocate@kawerak.org)*

**Freida Moon-Kimoktoak**

**Marine Program Specialist**

*[mr.spa2@kawerak.org](mailto:mr.spa2@kawerak.org)*



**KAWERAK, INC.**

# Kawerak, Inc. Marine Program

“focus on potential impacts of increased marine shipping on potential individuals, subsistence resources and the environment within our region.”

[www.kawerak.org/marine](http://www.kawerak.org/marine)

“Protect our waters, remember our resources are like money in the bank. It's what we have to survive.”

*Participant, 2014 BSVAS Workshop*

“ We want to see our subsistence way of life continue.”

*Participant, 2014 BSVAS Workshop*

The screenshot shows a web browser displaying the Kawerak Marine Program website. The browser's address bar shows the URL <http://www.kawerak.org/marine/>. The website has a navigation menu with links to Home, Marine Program, and a sub-menu for the Marine Program including BSVAS, Arctic, and Subsistence. A large photograph of a person in a boat is featured on the page. Below the photo is a text block about the program's focus on potential impacts of increased marine shipping. To the right of the photo is a 'Contact the Marine Program' section with contact details. At the bottom, there is a 'Marine Program Documents' section with a list of links.

Address bar: <http://www.kawerak.org/marine/>

Navigation: Home, Marine Program, BSVAS, Arctic, Subsistence

Subsistence resources and the environment within our region. Numerous tribal, environmental, state, federal, and international interests have undertaken action and discussions to address the impacts of global climate change and increased marine shipping in the Arctic. Arctic marine interests have increased in the last decade through ice free Arctic waters to transport resources and people from all parts of the globe. Kawerak must engage in these important discussions due to the potential impacts to our way of life. Subsistence resources, the environment, and culture are vital aspects of Alaska's first people and the public at large. Kawerak's Marine Program will advocate for local priorities and propose actions to minimize negative impacts of increased shipping in the Bering and Chukchi Seas. Kawerak has established a Marine Program which is staffed by Austin Amosuk, Marine Advocate, and Freda Moon-Kinoshok, Marine Program Specialist. They will form a basis of advocacy via local involvement, outreach to tribes, and engagement at ocean policy forums.

**Contact the Marine Program**

907-907-443, 4368 or 907-443-4362  
Fax : 907-443-4487  
Email: [marine@kawerak.org](mailto:marine@kawerak.org)  
kawerak, inc.  
P.O. Box 248  
Nome, AK 99762

**Marine Program Documents**

- BSVAS Disclosure
- Bering Strait Voices on Arctic Shipping Final Report
- Introductory Letter
- Kawerak Comment Letter 7-13-2015
- US Coast Guard Port Access Route Study
- Kawerak Comment Letter 6-1-2015
- Kawerak Comment Letter 4-17-2014
- Kawerak Environmental Letter 12-3-2014

**LINKS**

- Alaska Native Tribal Health Consortium Local Environmental Observer Program
- Arctic Ocean Opening System
- Arctic Waterway Safety Committee
- Bering Strait Atlas
- CHARTER: sea ice draft
- Exchange for Local Observations and Knowledge of the Arctic
- National Marine Fisheries Service
- Tribe Description

# Bering Strait Voices on Arctic Shipping 2014



2014 Workshop Participants

- SECTION 1: INTRODUCTION
- SECTION 2: WORKSHOP EXPECTATIONS
- SECTION 3: ARCTIC SHIPPING OVERVIEW
- SECTION 4: FOOD SECURITY
- SECTION 5: PROTECTION OF NATURAL RESOURCES
- SECTION 6: SAFETY AND SECURITY
- SECTION 7: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
- SECTION 8: RECOMMENDATIONS FOR POLICIES, PROJECTS AND ACTIVITIES
- SECTION 9: MOVING FORWARD, WHATS IS NEXT?
- SECTION 10: CLOSING COMMENTS
- APPENDIX 1: WORKSHOP PLANNING COMMITTEE
- APPENDIX 2: WORKSHOP AGENDA
- APPENDIX 3: LIST OF WORKSHOP PARTICIPANTS
- APPENDIX 4: OVERVIEW OF ARCTIC SHIPPING, WHAT IS BEING SEEN ON THE WATERS
- APPENDIX 5: WHAT IS BEING SEEN FROM THE PERSPECTIVE OF A REGIONAL PORT, PORT OF NOME
- APPENDIX 6: HOW DOES ALL OF THIS IMPACT WHAT IS BEING SEEN FROM A COMMUNITY PERSPECTIVE, TELLER, ALASKA
- APPENDIX 7: FOOD SECURITY
- APPENDIX 8: PROTECTION OF NATURAL RESOURCES
- APPENDIX 9: OVERVIEW OF ENVIRONMENTAL CHANGE IN BERING STRATI REGION
- APPENDIX 10: USCG ROLE IN SAFETY AND SECURITY
- APPENDIX 11: ESKIMO WALRUS COMMISSION EFFORTS ADDRESSING ARCTIC SHIPPING

The 2014 regional gathering, workshop report  
and Kawerak's advocacy efforts are made  
possible by funding from *The Oak Foundation*  
and *PEW Charitable Trusts*.

# How did BSVAS 2014 assist Kawerak with advocacy?

## SECTION 4: FOOD SECURITY

Carolina Behr, Traditional Knowledge and Science Advisor, ICC-Alaska presented on the research project, "How to Assess Food Security from an Inuit Perspective: Building a Conceptual Framework on How to Assess Food Security in the Alaskan Arctic" (from here on referred to as the food security project). The project aims to define and identify the causes of food insecurity from an Inuit perspective. The threats identified from increased shipping to food security have been a resonant theme in previous meetings and research conducted by Kawerak. Taking a food security (from an Inuit perspective) lens was an important perspective recognized by the planning committee. The presentation and discussion are included in Appendix 7.

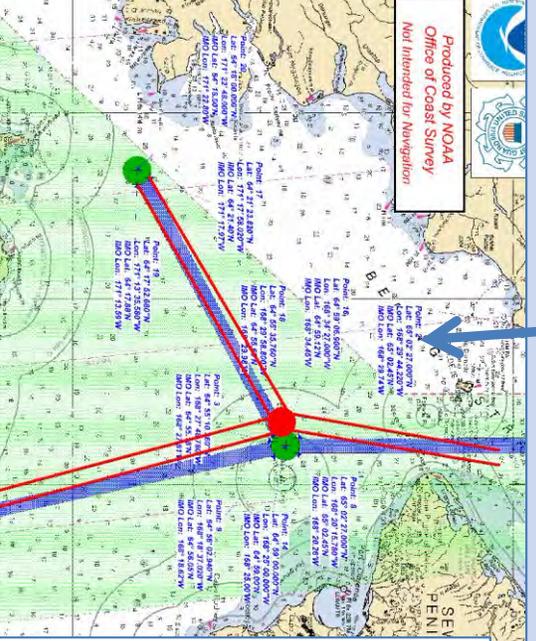
Workshop participants discussing food security related issues with Arctic shipping



Photo Credit: Julie Raymond-Yakobson

Kawerak, Inc. Bering Strait Voices on Arctic Shipping

Page 12



Produced by NOAA Office of Coast Survey Not Intended for Navigation

Please find attached Kawerak's "policy comment matrix" regarding the SEVENTEENTH DISTRICT MARINE SAFETY INFORMATION BULLETIN (MSIB) 01-5, ALTERNATIVE PLANNING CRITERIA GUIDELINES FOR NON-TANK VESSELS IN ALASKA, for the US Coast Guards consideration.

Kawerak learned of the committee period through our partner organization the Arctic Waterways Safety Committee. I serve as the Kawerak representative to that committee.

If you have any questions please feel free to contact me. Thank you for your time and consideration.

**Austin Ahmasuk, Marine Advocate**  
**Kawerak, Inc.**  
**P.O. Box 948**  
**Nome, AK 99762**  
**(907) 443-4368**  
**FAX (907) 443-4487**

*This email is for the use of the intended recipient(s) only. If you have*

- BERING THE
- WILKES DE-
- BRECK WESON
- DOANCL
- DRIBBER
- ELM
- GABELL
- GOLOM
- KHARILAND
- KONIG
- S GOLO
- NOHE
- SACHMKA
- SHANTOOK
- SHIRMAEF
- SEGLAKH
- STEBRING
- ST MICHAEL
- TELLER
- UNILWEEF
- WALUS
- WHITE MOUNTAIN

June 1, 2015

Admiral Abel, Commander Seventeenth CG District  
 Docket Management Facility (M-30)  
 U.S. Department of Transportation  
 West Building Ground Floor, Room W12-140  
 1200 New Jersey Avenue SE  
 Washington, DC 20590-0001

RE: Port Access Route Study; In the Chukchi Sea, Bering Strait, and Bering Sea  
 PARS-USCG-2014-0941

Dear Admiral Abel:

Kawerak is the regional tribal consortium for the Bering Strait Region and is headquartered in Nome, Alaska (www.kawerak.org). Our office received the "Notice of Study, request for comments", in the Federal Register, Vol. 79, No. 234, dated December 5, 2014. We also received 4 maps of the Bering Sea and Chukchi Sea which portrayed the proposed lane, several proposed precautionary areas, and 20 points which portrayed the lane corridor boundaries as it meanders from the Alaska Peninsula to the southern Chukchi Sea.

Kawerak staff participated in PARS public meetings in Juneau and Nome. Kawerak comments to the USCG for responding to public comments and implementing public meetings for this important topic.

The Chukchi Sea, Bering Strait and Bering Sea PARS is a complex issue and Kawerak appreciates USCG for incorporating local concerns and identifying safety issues prior to publishing the *Initial Route Notice*. Kawerak also appreciates the USCG for



April 17, 2015

U.S. Army Corps of Engineers, Alaska District  
 ATTN: CEPOA-PM-C-PL  
 P.O. Box 6898  
 JBER, AK 99506-0898  
 akcepoa@usace.army.mil

RE: Alaska Deep-Draft Arctic Port System Draft Interim Feasibility Report and Environmental Assessment

To Whom It May Concern,

Kawerak is the regional non-profit tribal consortium for the Bering Strait region. Kawerak is committed to the USACE for the above referenced report and environmental assessment, which Kawerak received on March 24, 2015. Kawerak appreciates the opportunity to make additional comments to the USACE's Interim Feasibility Report and Environmental Assessment.

On 3/20/15 Kawerak hosted a gathering in Nome called the Bering Strait Voices on Arctic Shipping which was an unprecedented gathering of local residents and ocean policy experts. The following are quotes from that gathering:

"We need more emergency response capability at the local level!"

"Improved communication infrastructure and equipment to be more effective in emergency response at the local level!"

is available upon request and will be e-mailed to the comment address.

**Requirement in Rulemaking, and Correspondence**

On 3/11/2015 article published in the Petrolium News Lorraine Cordeiro of the USACE stated that the USACE made a tentatively selected plan for a deep draft port at Nome. Kawerak is currently reviewing the proposed plan and will be preparing an Environmental Assessment or Environmental Impact Statement. Kawerak will be preparing a Deep Draft Port, Kawerak recommends that the USACE ensure public notices and news releases are made

# Globally Important Marine Areas



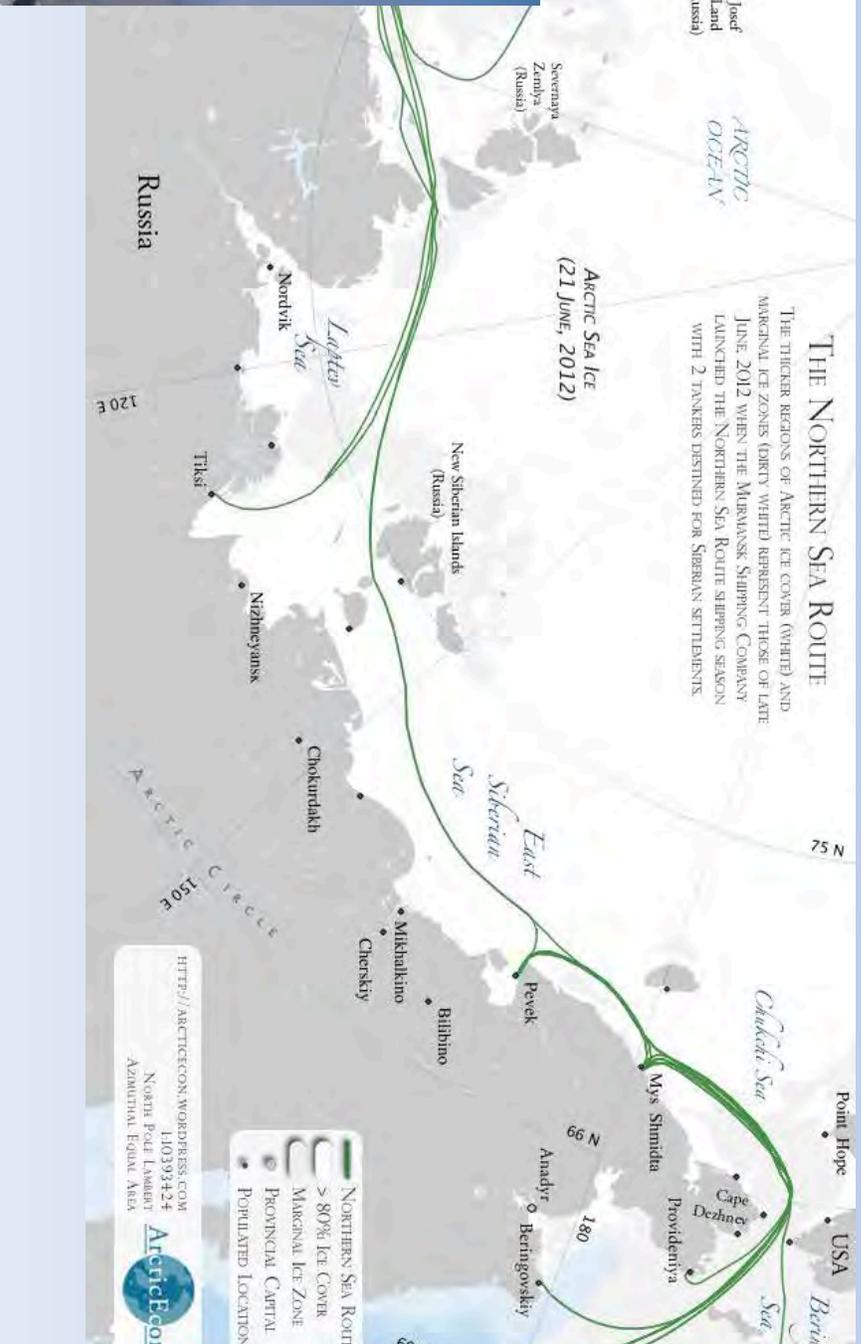
# THE MARITIME EXECUTIVE

INTELLECTUAL CAPITAL FOR EXECUTIVES

By [Wendy Laursen](#) 2016-01-09 20:12:29

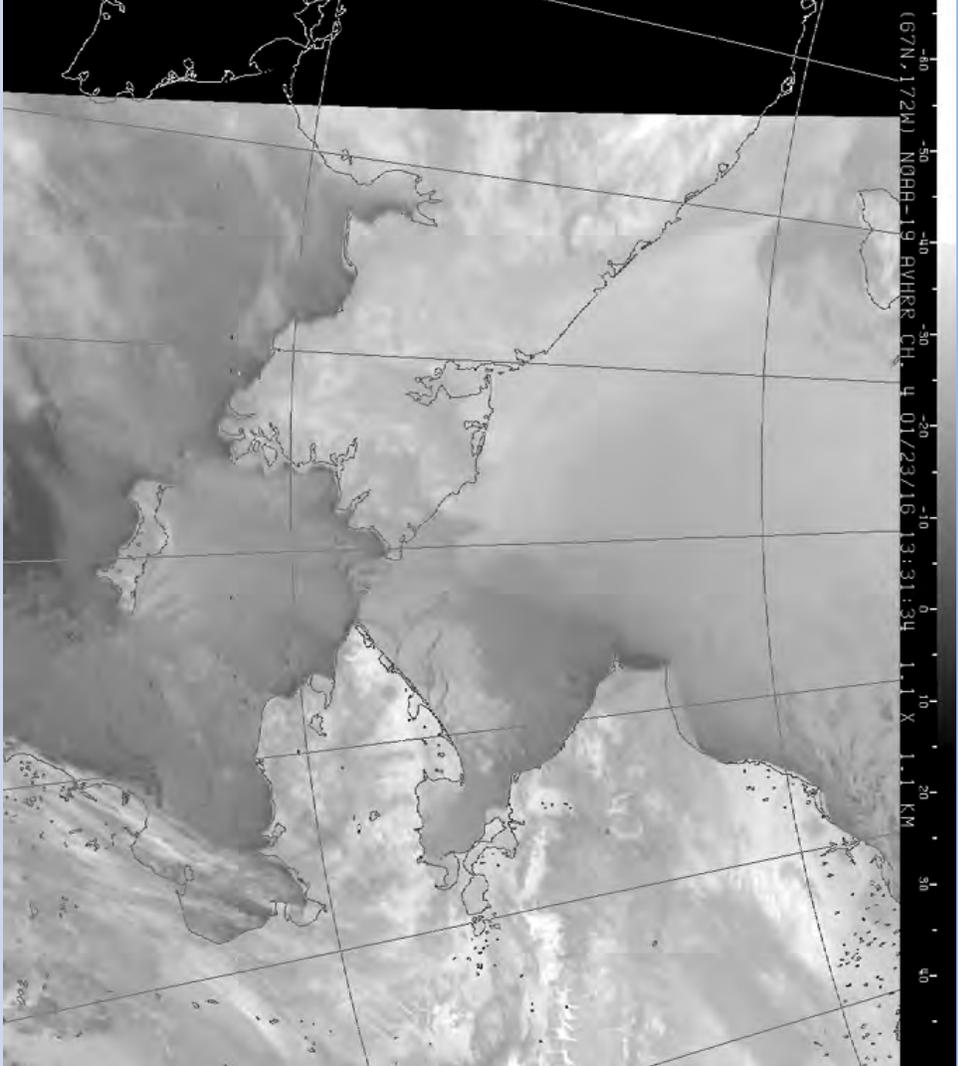
“The Russian icebreaker *Vaygach* recently completed a transit of the Northern Sea Route in just seven and a half days. Although it was hailed as a new record by some Russian media, it is the time the transit was made that is perhaps of greater significance.

The *Vaygach*, a nuclear-powered icebreaker, left from the Siberian side of the Bering Strait on December 17, covering more than 2,200 nautical miles before reaching the White Sea on December 25.”

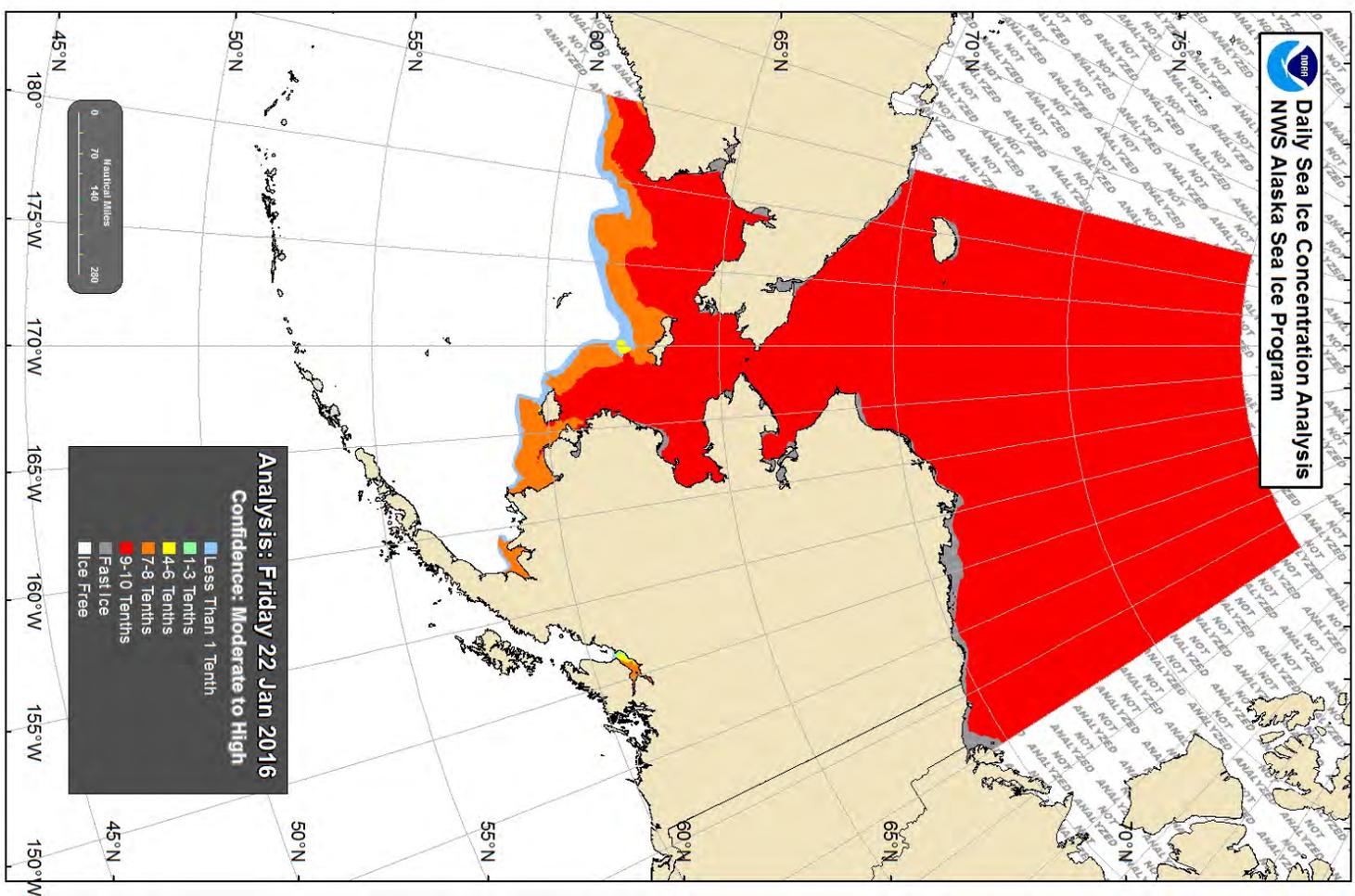


# Ice Dependent Lifestyle





January 21, 2015  
**Executive Order ---- Enhancing Coordination of  
 National Efforts in the Arctic**



# Kawerak Marine Program 2016

- Develop Final Report on BSVAS 2016 workshop (March 2016)
- Arctic Waterways Safety Committee (March 2016)
- Seek additional funding (May 2016)
- Bering Strait Port Access Route Study (June 2016)
- Northwest Arctic Subarea Contingency plan (September 2016)
- Travel to Bering Strait Villages (June-September 2016)
- Additional workshops (March and October)
- U.S. National Strategy for the Arctic Region
  - [https://www.whitehouse.gov/sites/default/files/docs/nat\\_arctic\\_strategy.pdf](https://www.whitehouse.gov/sites/default/files/docs/nat_arctic_strategy.pdf)
  - *Safeguard peace and stability*
  - *Make decisions using best available information*
  - *Pursue innovative arrangements*
  - *Consult and coordinate with Alaska Native*

MAY 2013



# Expectation for this workshop

## 1. Northwest Arctic Subarea Contingency Plan



ALASKA DEPT OF ENVIRONMENTAL CONSERVATION



USCG  
SECTOR ANCHORAGE



USEPA (REGION X)  
ALASKA OPERATIONS OFFICE

February 16, 2012

### LETTER OF PROMULGATION

1. The Northwest Arctic Subarea Contingency Plan is the guideline for establishing operations in the event of a major response effort to an oil spill or hazardous material release. This volume supplements the *Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases* (Unified Plan).
2. Information contained herein will be disseminated to agencies and personnel involved in various response and cleanup activities.
3. The Northwest Arctic Subarea Contingency Plan is the result of a joint planning effort. Members of the U.S. Environmental Protection Agency, U.S. Coast Guard, Alaska Department of Environmental Conservation, U.S. Department of the Interior, and numerous other Federal, State, local, Native and industry participants contributed to this document.
4. We solicit comments and recommendations to improve this plan. Please forward your comments to Mr. Dale Gardner (Alaska Department of Environmental Conservation, Prevention and Emergency Response Program, 555 Cordova Street, Anchorage, Alaska, 99501), or Mr. Nick Knowles (U.S. EPA, Alaska Operations Office, 222 W 7<sup>th</sup> Avenue #19, Anchorage, AK 99513).

### Environment Northwest Arctic oil spill contingency plan to be updated in 2016

Laura Kraegel | KNOU | September 28, 2015



Tony Hodgson photo

When it comes to oil spills, U.S. Coast Guard Lt. Matthew Mitchell says it's not a matter of if, but when.

"As long as you have ships on the ocean, trucks on the roads, and oil being stored in man-made tanks, someday the bad thing is going to happen," Mitchell said. "You're going to have some type of an incident. So if the bad thing happens, what do you do?"

For the Bering Strait region, that question is answered in the northwest Arctic subarea plan, an oil spill contingency plan that covers lands owned by the Northwest Arctic Borough and the Bering Straits Native Corp. — from Kivalina to St. Michael, and from St. Lawrence Island to the source of the Kobuk River.



# W E L C O M E

**Bering Strait Voices on Arctic Shipping**

**January 25-26, 2016**

**Austin Ahmasuk**

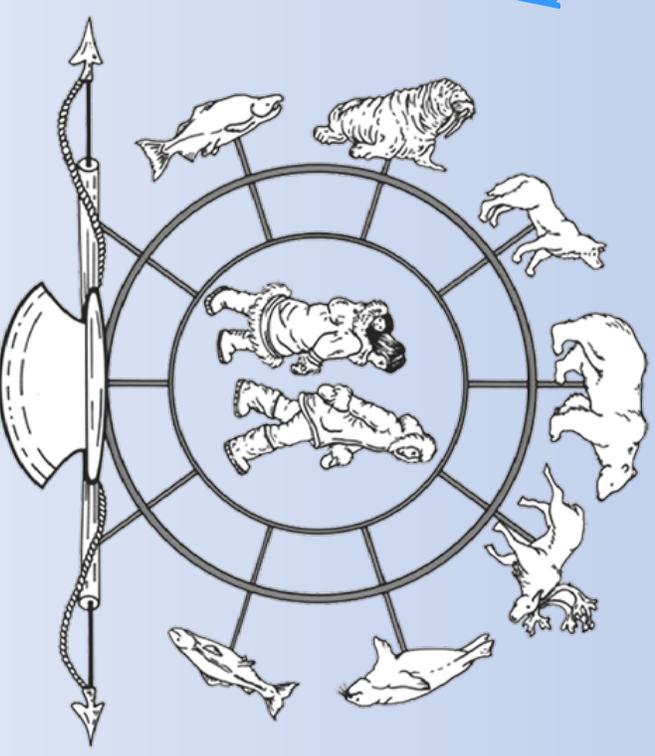
**Marine Advocate**

*[marine.advocate@kawerak.org](mailto:marine.advocate@kawerak.org)*

**Freida Moon-Kimoktoak**

**Marine Program Specialist**

*[mr.spa2@kawerak.org](mailto:mr.spa2@kawerak.org)*



**KAWERAK, INC.**

**APPENDIX 4, Alaska Local Emergency Planning Committee (LEPC)  
Handbook**

# Alaska Local Emergency Planning Committee (LEPC) Handbook

*May 2015*

Users of this handbook are welcome to make additional copies. If local jurisdictions make and distribute copies to other individuals, the Alaska Division of Homeland Security and Emergency Management suggests that the jurisdiction keep a record of who receives them so that the local jurisdiction can also distribute future changes to the document.

Users of the handbook are also welcome to abstract portions of the handbook for use in local publications. If local jurisdictions use portions of the document, please credit the source.

## **Table of Contents**

Section One: Introduction.....	5
History and Background.....	5
Why this Handbook?.....	5
Section Two: State Emergency Response Commission .....	6
Purpose .....	6
Composition.....	7
Roles and Responsibilities.....	7
SERC Committees and Subcommittees.....	8
Section Three: Local Emergency Planning Committee Association.....	9
Purpose .....	9
Local Emergency Planning Committee Association Goals .....	9
Section Four: Local Emergency Planning Committee .....	10
Purpose .....	10
Roles and Responsibilities.....	12
Additional LEPC Responsibilities .....	13
LEPC Structure.....	14
LEPC Appointments.....	15
LEPC Subcommittees .....	15
LEPC By-laws .....	18
LEPC Meetings.....	18
Section Five: Local Emergency Planning Committee Activities .....	20
Preparedness Activities.....	20
Outreach and Information Activities .....	22
Planning Activities.....	23
Section Six: Local Emergency Planning Committee Grant .....	25
Purpose .....	25
Required Baseline Activities.....	25
Eligible Baseline Expense Categories .....	26
ANNEX A: Sample LEPC Bylaws .....	27
ANNEX B: Alaska State Emergency Response Commission Bylaws .....	32

ANNEX C: Alaska State Emergency Response Commission Work Plan..... 37

ANNEX D: Alaska Local Emergency Planning Committee Association Resolution..... 40

ANNEX E: List of Acronyms..... 43

ANNEX F: Reference Materials..... 44

ANNEX G: Additional Resources for Local Emergency Planning Committees ..... 45

## Section One: Introduction

### History and Background

This handbook is designed for Local Emergency Planning Committees (LEPC) in the State of Alaska. The LEPC is a product of federal legislation passed in the wake of the 1984 chemical disaster in Bhopal, India, where thousands of people died..

To prevent similar occurrences in our communities, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act (SARA), in 1986.

EPCRA establishes requirements for businesses and for federal, state, and local governments regarding emergency planning and community right-to-know (CRTK) reporting for hazardous chemicals. The CRTK provision in EPCRA helped increase awareness about the presence of chemicals in their communities and releases of these chemicals into the environment.

The Alaska State Legislature also enacted CRTK laws consistent with federal law. As a result, Alaskan communities, working with industry, are better able to protect public health and the environment. Alaska Congress enacted EPCRA regulations to benefit communities. Two main goals of this law are to:

- Provide a basis for each community to develop and tailor a chemical emergency planning and response program to suit the community's needs, and
- Provide the public with a right-to-know attitude to identify, quantify, locate, and determine the physical and chemical properties of hazardous substances in the community.

### Why this Handbook?

The Alaska Division of Homeland Security and Emergency Management, local agencies, and Alaskan industries are involved in cooperation with local communities to make EPCRA and related state laws effective. However, the ultimate responsibility for the success of EPCRA rests with the local jurisdictions and the LEPCs that serve them. The LEPCs are the link between citizens, industry, and the local government. Since LEPCs are often the most familiar with the hazards in their community, and because local citizens tend to be the first responders for chemical emergencies, LEPCs are in the best position to assist local governments in developing plans to respond to hazardous material emergencies. LEPCs have used this connection with their community to expand beyond hazardous material emergency planning to take an all-hazard approach to planning, recognizing that the response to one type of emergency will be very similar to the response to other emergencies. This handbook has been developed to provide LEPCs with the guidance needed to make EPCRA work.

## Section Two: State Emergency Response Commission

### Purpose

Federal legislation requires each state to have a State Emergency Response Commission (SERC) and outlines its duties. In 1986, Congress passed the Superfund Amendments and Reauthorization Act (SARA) which deals with emergency response planning and community right-to-know regarding hazardous materials (HAZMAT). SARA is also known as the Emergency Planning and Community Right-to-Know Act (EPCRA). It was enacted to prevent hazardous material tragedies, such as the chemical plant accident in Bhopal and the nuclear power plant accident in Chernobyl, from occurring in the United States. SARA establishes requirements for federal, state, and local governments, Indian tribes, and industry regarding emergency planning and "Community Right-to-Know" (CRTK) regarding hazardous materials. To comply with this Federal legislation, the Alaska Legislature passed [Alaska Statutes 26.23.071 and 26.23.073](#). These statutes establish a SERC, Local Emergency Planning Districts (LEPD), and Local Emergency Planning Committee's (LEPC).

### SERC Chronology

Dates	Events
1986	The U.S. Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), as Title III of the Superfund Amendments and Reauthorization Act (SARA). Section 301 mandated two levels of planning within each state: state emergency response commissions (SERCs) and local emergency planning committees (LEPCs). Governors were to establish SERCs by April 17, 1987; the SERCs were to establish local emergency planning districts (LEPDs) by July 17, 1987, and appoint members to LEPCs for each district by August 17, 1987.
1987	In accordance with SARA, Governor Cowper functioned as the SERC until he formally established that commission by Administrative Order 103 in 1987.
1990	The passage of Alaska House Bill (HB) 566 established the SERC's membership and duties in statute, and put the SERC and LEPCs under the purview of the Department of Environmental Conservation
November 1990	The SERC defined its mission: ". . .to protect public health, safety, property and the environment by ensuring effective and efficient use of resources to plan for and respond to natural and technological disasters. . . to foster coordination at the local, state and federal levels, and provide preparedness and response information to all interested persons" (Article II, SERC By-Laws).
1991-1994	In 1991 the SERC voted to use its combined expertise to look beyond the mandated oil and hazardous substance release threat and expanded its focus to include all hazards. This decision was based on the rationale (also expressed in reports from other states) that many of the considerations addressed for a hazardous substance release similarly apply to many other hazards. Because the SERC lacked the statutory authority to involve itself in all-hazards emergency management, and since the Oil and Hazardous Substance Release Prevention and Response Fund was only available for the SERC's activities relating to the management of oil and hazardous substance releases, the SERC's decision was put on the "back burner."
August 1994	The passage of Alaska Senate Bill (SB) 33 put the SERC and the LEPCs under the purview of the Department of Military and Veterans Affairs (DMVA) and broadened the SERC's authority to review and make recommendations regarding any area of the State's capability to respond to a catastrophic event.
April 1996	The SERC conducted internal strategic planning, revised its meeting administration and amended its mission statement: "The SERC exists to ensure State, Federal and local emergency planning and preparedness is established, integrated and mutually supporting."

## Composition

AS [26.23.071](#), Alaska State Emergency Response Commission

(b) The commission consists of the commissioners of commerce, community, and economic development, environmental conservation, fish and game, health and social services, labor and workforce development, natural resources, public safety, and transportation and public facilities, or the designees of the commissioners, the adjutant general of the Department of Military and Veterans' Affairs or a designee, and seven members of the public appointed by the governor, two of whom must be members of a local emergency planning committee for an emergency planning district that is predominantly rural in character and two of whom must be members of a local emergency planning committee for an emergency planning district that is predominantly urban in character. Two of the other three members of the public who are appointed to the commission must be members of the governing body of, or the mayor of, a political subdivision that has a local emergency planning committee or a person who, in the opinion of the governor, is otherwise appropriate to represent the political subdivision. The United States Department of Defense - Alaska Command, the Federal Emergency Management Agency, the United States Environmental Protection Agency, and the United States Coast Guard may each appoint a representative to serve on the commission in an ex-officio, nonvoting capacity. To the extent practicable, the commission must include members with expertise in the emergency response field.

## Roles and Responsibilities

AS [26.23.071](#), Alaska State Emergency Response Commission

(e) The commission shall:

- (1) Serve as the state emergency response commission required under [42 U.S.C. 11001 - 11005](#);
- (2) Facilitate the preparation and implementation of all emergency plans prepared by state agencies under other authorities; the statewide, interjurisdictional, and local plans prepared under this chapter; and the state and regional plans prepared under AS [46.04.200 - 46.04.210](#);
- (3) Review plans described in (2) of this subsection according to the criteria established in AS [26.23.077](#) ;
- (4) Designate, and revise as necessary, the boundaries of emergency planning districts under AS [26.23.073](#) ;
- (5) Establish an LEPC under AS [26.23.073\(d\)](#) for each emergency planning district;
- (6) Supervise and coordinate the activities of local emergency planning committees;
- (7) Establish procedures for receiving and processing requests from the public for information under [42 U.S.C. 11044](#), including tier II information under [42 U.S.C. 11022](#); procedures established under this paragraph shall designate the Department of Environmental Conservation as the state agency to receive and process these requests on behalf of the commission;
- (8) Review reports about responses to disaster emergencies and make recommendations to the appropriate parties involved in the response concerning improved prevention and preparedness;
- (9) Perform other coordinating, advisory, or planning tasks related to emergency planning and preparedness for all types of hazards, community right-to-know reporting, toxic chemical release reporting, or management of hazardous substances;
- (10) Recommend procedures to integrate, as appropriate, hazardous substance response planning under [42 U.S.C. 11001 - 11005](#), federal contingency planning under [33 U.S.C. 1321](#) and other federal laws applicable to hazardous substance discharges, and state, regional, and local planning under this chapter and AS [46.04.200 - 46.04.210](#);
- (11) To the extent consistent with the constitution and law of the state, perform all other functions prescribed for state emergency response commissions under 42 U.S.C. 11001 - 11005; and
- (12) Adopt regulations necessary to carry out the purposes of AS [26.23.071 - 26.23.077](#) and [42 U.S.C. 11001 - 11005](#).

## SERC Committees and Subcommittees

The SERC has established the following as standing committees: Finance Committee, All-Hazards Plan Review Committee, Training Committee, Interoperable Communications Committee, Citizen Corps Committee, Alaska Intrastate Mutual Aid System Committee, and Disaster Search and Rescue Committee. The SERC may modify or eliminate these committees and establish such other committees as it determines is necessary. Each committee may adopt and modify its own internal procedures by majority vote of the members at a meeting at which a quorum is present. Each committee shall keep written notes showing action taken by the committee. Each committee may schedule meetings as necessary to conduct their business. Composition of committees is as identified in this manual. Committee chairs are appointed by the SERC. Other committee members are selected by the committee's chair. Committee members are normally members of the SERC or an LEPC. If unique expertise is required, the committee chair may select a member from other resources. When a vacancy occurs, the committee chair will solicit volunteers from the SERC or LEPCs. The committee's chair will inform the SERC of changes in membership. Unless there is an objection by a majority vote of the SERC, a committee member selected by a chair is approved without a vote of the SERC.

**\*\*For further information on SERC Committees and Subcommittees reference the *Policies and Procedures Manual of the Alaska State Emergency Response Commission and Local Emergency Planning Committees* by going to the following link:**

- [SERC/LEPC Web Page](#)



Then select the Policies and Procedures Manual from the list on the left side.

## Section Three: Local Emergency Planning Committee Association

### Purpose

Alaska's Local Emergency Planning Committee Association (LEPCA) was founded to create a forum of Local Emergency Planning Committees (LEPCs) throughout Alaska dedicated to improving communication and cooperation between LEPCs to enhance the local, regional and statewide disaster planning efforts. The LEPCs will work together to discuss issues of relevance to our efforts; to develop methods to present all of our positions accurately to the state government and others when we deem it necessary; and to help each other when possible.

### Local Emergency Planning Committee Association Goals

- Seek full and direct grant funding to LEPCs through Alaska Division of Homeland Security and Emergency Management (DHS&EM).
- Enhance public awareness, i.e., "What are LEPCs" and "What are their powers and duties."
- Strive for statewide "Level A" response capabilities through agreements or contracts with qualified responders.
- Support the establishment of a statewide household hazardous waste program through Alaska's Department of Environmental Conservation (DEC).
- Increase local participation in training programs and exercises.
- Promote political subdivision equipment upgrades and replacements for emergency response purposes.
- Support statewide communications capability, i.e., emergency telephones, satellite telephones and radio interoperability.
- Encourage the development and maintenance of local community response teams.

**\*\*For further information on LEPC Association reference the *Alaska Local Emergency Planning Committee Association Resolution NO.2010-01* by going to the following link:**

- [LEPC Web Page](#)



Then Scroll down until you see LEPC Association and select Bylaws below that.

## Section Four: Local Emergency Planning Committee

### Purpose

Local Emergency Planning Committees (LEPCs) work to understand the hazards in the community, develop emergency plans in case of an accidental release or natural disaster, and look for ways to prevent accidents. The role of an LEPC is to form a partnership between local governments and industries to enhance all-hazards preparedness. The local government is responsible for response planning and training within their jurisdiction.

This includes:

- Ensuring the local hazard analysis adequately addresses all-hazard incidents;
- Incorporating planning for HAZMAT incidents into the local emergency management plan and annexes;
- Assessing capabilities and developing response capability using local resources, mutual aid and contractors;
- Training responders; and
- Exercising the plan

Industry must be a part of this planning process to ensure facility plans are compatible with local emergency plans. Every regulated facility is responsible for:

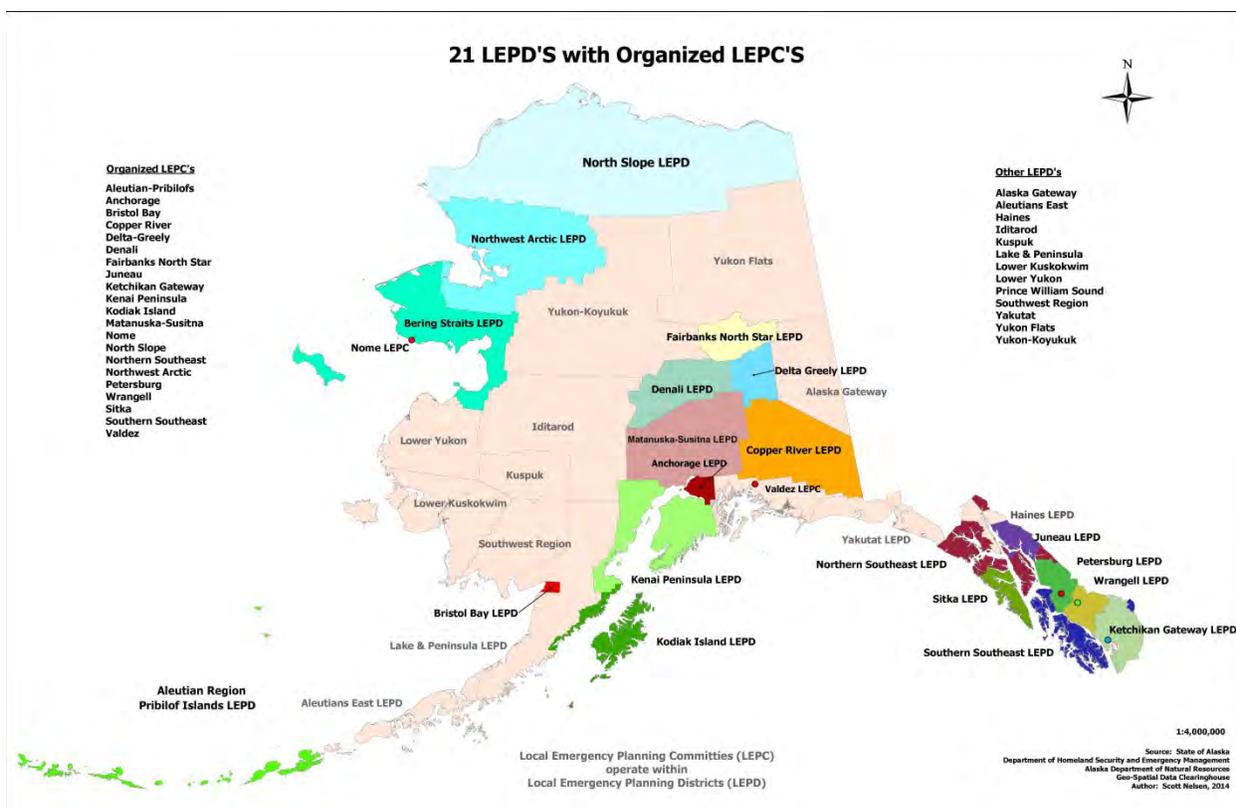
- Identifying a facility emergency coordinator;
- Reporting HAZMAT inventories annually to the State Emergency Response Commission (SERC), LEPC, and local fire department;
- Providing Safety Data Sheets (SDS) or a list of hazardous chemicals;
- Allowing local fire departments to conduct on-site inspection of HAZMAT facilities; and
- Providing annual report of toxic chemicals released to EPA and the State.

LEPCs are crucial to local hazard planning and community right-to-know (CRTK) programs. Members of the LEPC represent the various organizations, agencies, departments, facilities, and/or other groups within the Local Emergency Planning District (LEPD). The membership comes from the local area and should be familiar with factors affecting public safety, the environment, and the economy of the community. In addition to its formal duties, the LEPC serves as a focal point in the community for information and discussions about emergency planning and health and environmental risks. Communities will expect the LEPC to reply to questions about hazards and risk management. The following LEPDs and LEPCs are formally recognized by the SERC:

- |                                  |                                  |
|----------------------------------|----------------------------------|
| • Aleutians East Borough LEPD*   | • Lower Yukon LEPD*              |
| • Aleutian–Pribilof Islands LEPC | • Matanuska–Susitna Borough LEPC |
| • Anchorage LEPC                 | • Nome LEPC                      |
| • Bristol Bay Borough LEPC       | • North Slope Borough LEPC       |
| • Copper River Basin LEPC        | • Northern Southeast LEPC        |
| • Delta–Greely LEPC              | • Northwest Arctic Borough LEPC  |
| • Denali Borough LEPC            | • Petersburg LEPC                |

- Fairbanks Area LEPC
- Ketchikan Gateway LEPC
- Iditarod Region LEPD\*
- Juneau LEPC
- Kenai Peninsula Borough LEPC
- Kodiak Island Borough LEPC
- Kuspuk LEPD\*
- Lake and Peninsula Borough LEPD\*
- Lower Kuskokwim LEPD\*
- Prince William Sound LEPD\*
- Sitka LEPC
- Southern Southeast LEPC
- Southwest Region LEPD\*
- Valdez LEPC
- Wrangell LEPC
- Yukon Flats LEPD\*
- Yukon-Koyukuk LEPD\*

\* Denotes inactive or no LEPC



## Roles and Responsibilities

As mentioned in Section I, the Emergency Planning and Community Right-to-Know Act (EPCRA) establishes the LEPC as a forum at the local level for discussions and planning activities for matters pertaining to hazardous materials. LEPCs also help to provide local governments and the public with information about possible chemical hazards in their communities.

The major legal responsibilities of LEPCs are listed below. The citations are from [EPCRA-public law 99-499](#) and Alaska Statute [26.23.073](#)-Emergency Planning Districts and Committees.

AS [26.23.073](#). Emergency Planning Districts and Committees.

(g) Each local emergency planning committee shall

- (1) Establish procedures for receiving and processing requests from the public for information under [42 U.S.C. 11044](#), including tier II information under [42 U.S.C. 11022](#);
- (2) appoint a chair and establish rules by which the committee shall function, including provisions for public notification of committee activities, public advertising of positions available on the committee, public meetings to discuss the emergency plan, public comments, response to the comments by the committee, distribution of the emergency plan, and designation of an official to serve as coordinator for information;
- (3) Prepare and periodically review an emergency plan in accordance with [42 U.S.C. 11003\(a\)](#) in a manner that includes coordination with the political subdivisions covered by the plan;
- (4) Evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and submit recommendations to the political subdivisions in the emergency planning district with respect to the resources that may be required and the means for providing the resources;
- (5) To the extent consistent with the constitution and law of the state, perform all other functions prescribed for emergency planning committees in [42 U.S.C. 11001 - 11005](#);
- (6) To the extent considered advisable by the committee, make recommendations to political subdivisions, representatives of interjurisdictional disaster planning and service areas, and state agencies about the preparation of local, state, and interjurisdictional plans; and
- (7) Serve as an advisory committee to the political subdivisions within the emergency planning district or the interjurisdictional planning and service area established under AS [26.23.070](#) with respect to emergency planning, training, and response.

A state agency represented on the Commission shall, upon request, provide technical assistance to a Local Emergency Planning Committee in the performance of its duties under this section.

## Additional LEPC Responsibilities

### LEPCs:

- Shall appoint a chairperson, a project manager, and establish rules by which the committee shall function ([EPCRA-section 301\(c\)](#)) and ([AS 26.23.073\(g\)2](#)).
- Rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, and response to such comments by the committee. Other considerations the LEPC should make in rulemaking are:
  - Term of office
  - Removal from the LEPC
  - Authority of the LEPC

See Annex A for an Example of LEPC Bylaws

- Shall notify the SERC of nominations for changes in the LEPC membership. The LEPC shall notify the SERC of address changes for LEPC chairpersons.
- Shall annually publish a notice in local newspapers that the emergency management response plan, MSDS, follow-up release notifications, and that inventory forms have been submitted ([EPCRA-section 324\(b\)](#)).



- The LEPC shall notify the SERC of nominations for changes in the makeup of the committee. Nominations must be submitted in written form. A current membership list should be sent to the SERC on an annual basis to be considered “active”. Notify the SERC of address changes for LEPC Chairperson.

## LEPC Structure

**LEPC Membership:** The LEPC, as is the case for the SERC, must have membership representation from a cross-section of the community it serves.

AS [26.23.073](#). Emergency Planning Districts and Committees.

(d) The commission shall appoint the members of a local emergency planning committee for each emergency planning district established under (a) and (b) of this section . Except as provided in (e) of this section, each committee must include, at a minimum, representatives of each of the following seven categories:

- (1) Elected local officials;
- (2) Law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel;
- (3) Broadcast or print media;
- (4) Community groups;
- (5) Owners and operators of facilities subject to the requirements of [42 U.S.C. 11001 - 11005](#);
- (6) Representatives of a local or interjurisdictional disaster planning and service area if one has been established that includes part of the district; and
- (7) Members of the public that are not described in (1) - (6) of this subsection.

(e) If advertisement and the commission's own initiative do not result in the acceptance of appointment to a committee by at least one person from a category under (d)(1) - (7) of this section, the requirement of (d) of this section that there be representation of that category on that committee is suspended until sufficient willing appointees become available.

A single member may represent more than one of the above groups or organizations. Likewise, a group may be represented by more than one member. There is no law regulating the maximum number of members on an LEPC. Ideally, members should be interested in emergency programs and community right-to-know activities. Because the LEPC's members represent the community, they should be familiar with factors that affect public safety, the environment, and the economy of the community. That expertise will be essential as the LEPC develops a plan tailored to the needs of the community.

Involving individuals who have expertise in areas of LEPC concerns as "at-large members" can be very effective. Although not official members, they can expand the LEPC knowledge base significantly. These individuals need not be carried on official LEPC membership rosters.

An LEPC should work with each political subdivision in the LEPC to maintain committee representation and membership that satisfies statutory requirements ([AS 26.23.073\(d\)](#) and [42 U.S.C. 11001\(c\)](#), discussed above) and that maximizes the expertise on the LEPC. The LEPC is responsible for advertising openings on the LEPC and submitting names of candidates for membership to the appropriate principal executive officer(s) within the LEPC for recommendation to the SERC.

## LEPC Appointments

The LEPC shall appoint a chairperson and may appoint a vice-chairperson and other officers. A term of office should be set, but may vary in length according to the needs of each LEPC. The chairperson can be any LEPC member.

Some LEPCs have chosen political leaders; others have selected chairpersons from emergency management, environmental groups, industry, or civic organizations. Important factors to consider are the leader's availability, credibility, management skills, commitment to the program, and respect from other LEPC members and the community.

EPCRA requires the LEPC to appoint an information coordinator. In Alaska the duties associated with this position are normally filled by the LEPC project manager. The project manager/information coordinator's job is to process requests from the public for information under [EPCRA-section 324](#), including Tier II information under [EPCRA-section 312](#). The project manager can also assist other committee members.

Positions not required by law, but which have proven useful are: vice-chairperson, secretary-treasurer, and chairpersons of standing committees.

Involving individuals who have expertise in areas of LEPC concern as "at large members" can be very effective. Although not official members, they can expand the LEPC knowledge base significantly. These individuals need not be carried on official LEPC membership rosters.

All members of the LEPC are bound by State of Alaska ethics regulations.



The SERC is responsible for approving all LEPC appointments; the LEPC is responsible for maintaining a current list of member. Under [AS 26.23.073\(f\)](#) and [42 USC 11001\(d\)](#), any interested person may request the SERC to change the membership of an LEPC. The SERC must consider the recommendations of political subdivisions under [AS 26.23.070\(d\)](#), follow the requirements for representation of categories of groups in [AS 26.23.073\(d\)\(1\)-\(7\)](#), and will comply with the requirements of this manual for notification of its decision for LEPC appointments contained in these policies. The SERC will, within 30 days after the meeting at which the request is considered, issue its decision in writing to the petitioning individual, the affected LEPC, the affected LEPCs principal executive officers.

## LEPC Subcommittees

Dividing the work among subcommittees can facilitate planning and data management. Subcommittees allow members to specialize and help the process move forward more quickly, because the LEPC can work on several projects at one time. The appointment of a subcommittee chairperson may help to ensure work progresses efficiently.

The number and type of subcommittees an LEPC creates depends solely on the needs of the LEPC and its members. Subcommittees may be formed and disbanded as occasions arise to accomplish initial and on-going tasks. Subcommittee membership need not be limited to LEPC members. The LEPC is encouraged to invite persons from various sectors of the jurisdiction for additional input and enhanced expertise.

In determining the type and number of subcommittees to establish, the LEPC should examine a number of factors regarding current LEPC status and future expectations and goals.

For example, LEPC members should try to answer the following questions:

- What are the goals of the LEPC this year?
- Do certain topics require significant discussion / research?
- Is it necessary to establish subcommittees, and if so, are there enough people, expertise, and leadership among LEPC members to maintain subcommittees?

In larger LEPCs, subcommittee chairpersons may sit on an executive committee with the LEPC chairperson. The LEPC might appoint subcommittees for the following:

- Gathering and reviewing existing community and facility emergency plans annually;
- Coordinating emergency response capabilities of LEPC member organizations;
- Checking existing response equipment in the community;
- Identifying financial resources;
- Coordinating with other LEPCs and the SERC;
- Conducting a hazard analysis;
- Managing and providing information for citizens;
- Providing information to facilities; and
- Promoting public awareness of EPCRA, community chemical hazards, and emergency response expected from the public.

Suggested subcommittees for the LEPC are:

- A **planning subcommittee**, whose responsibilities may include:
  - Developing and assisting in the revision of the hazardous material response portion of the emergency operations plan;
  - Establishing a vulnerability zone determination methodology;
  - Reviewing the site-specific Hazardous Materials Response Plans submitted for each facility with extremely hazardous substances (EHS); and
  - Reviewing the LEPC plan annually.
- A **public information subcommittee**, whose responsibilities may include:
  - Writing and publishing public notices;
  - Establishing an information retrieval system; and
  - Performing citizen/neighborhood outreach to inform them of plans and other information that is available.

- A **training and exercising subcommittee**, whose responsibilities may include:
  - Conducting a training needs assessment;
  - Requesting training grants to provide needed training;
  - Coordinating training programs; and
  - Establishing an exercise schedule.

Once an assessment has been done by the LEPC and basic subcommittees have been formed, the LEPC may desire to create additional subcommittees to respond to expand needs / ideas generated from the current LEPC membership. Some examples include:

- An **executive subcommittee**, whose responsibilities may include:
  - Appointing chairpersons for each subcommittee;
  - Developing LEPC long-term goals;
  - Tending to LEPC member needs;
  - Reviewing LEPC membership terms and soliciting volunteers to fill vacancies;
  - Being familiar with state, local, and federal laws which impact the hazardous material planning process; and
  - Developing a work plan with timetables for the other subcommittees.
- A **resource development subcommittee**, whose responsibilities may include:
  - Researching the community's resources for emergency response (e.g., various types of equipment, facilities, and expertise available);
  - Identifying alternative resources upon which the community may draw in time of emergency or disaster;
  - Updating the local resource inventory;
  - Assisting in the completion of the Alaska Assessment;
  - Identifying other volunteer or in-kind assistance contributions (e.g., private sources such as local business /industry, non-profit agencies, etc.), which may be used for various types of response.
- A **finance subcommittee**, whose responsibilities may include:
  - Management of the LEPC budget; and
  - Examining and recommending the use of funds.
- A **business/industry outreach subcommittee**, whose responsibilities may include:
  - Developing initiatives that will encourage active participation by the community's commercial businesses and industrial facilities.

Updating reports on sub-committee meetings can be made at the regularly scheduled LEPC meetings.

## LEPC By-laws

Rules or by-laws for the LEPC should be established as set forth in Alaska State Statute [26.23.073](#) and [EPCRA-section 301](#), which states each LEPC is required by law ([AS 26.23.073\(g\)\(2\)](#) and [42 U.S.C. 11001\(c\)](#)) to appoint a chair and establish rules by which the committee shall function, including provisions for public notification of committee activities, public advertising of positions available on the committee, public meetings to discuss the emergency plan, public comments, response to the comments by the committee, distribution of the emergency plan, and designation of an official to serve as coordinator for information. In establishing their rules of operation, each LEPC should consider how it will perform its required duties listed in [AS 26.23.073\(g\)](#). To assist an LEPC, upon request SERC staff will provide example bylaws and/or rules of operation adopted by other LEPCs and assistance in adopting appropriate rules of operation. The by-laws should include the following minimum provisions:

- Public notification of committee activities;
- Public meetings to discuss the emergency plan;
- Public comment and response to these comments;
- Distribution of the emergency plan; and
- Election of officers.

A sample of LEPC bylaws is provided for your information in Annex A.

## LEPC Meetings

The frequency of LEPC meetings is not mandated. In order to keep the LEPC functioning effectively, regularly scheduled meetings which address diverse issues and work toward progress on key concerns are essential. Circumstances may change frequently, along with key phone numbers and contacts. Regular meetings also offer the opportunity for the LEPC to broaden its role in the community.

A meeting of the LEPC is subject to the Alaska Open Meetings Act [AS 44.62.310](#). LEPCs should confer with their city or borough attorney on the requirements of Open Meetings, as appropriate. Meetings should follow an organized format, such as [Robert's Rules](#), or some other guidelines. A well-planned agenda is an important tool for conducting effective meetings. The agenda should identify specific issues to be discussed at the meeting.

If time constraints are a factor, each agenda item may be assigned a time limit. The key to this strategy is adhering to the time limit assigned for each issue. Each committee member should be sent, if feasible, a copy of the agenda one-to-two weeks prior to the scheduled meeting. Additionally, LEPCs could send any information pertinent to the upcoming meeting along with the agenda.

This way, members can prepare themselves for the meeting in advance and meetings should be more productive. Again, LEPC chairpersons should determine how requirements under state

meeting rules apply to LEPC meetings. Posting of meeting times and locations, oral public comments, and recording of meeting minutes may all be subject to state rules.

LEPCs are encouraged to seek topics, speakers, invitations from facilities and response organizations and opportunities to expand knowledge from a wide variety of sources. While LEPCs should strive to establish a regularly scheduled meeting, LEPCs can also benefit from moving meetings to different locations and times. Some LEPCs meet at industry sites where a regular meeting is held, followed by a tour of the site's operations. This has proved to be a very successful LEPC activity for those LEPCs who have embraced the "facility visit" approach. Additionally, meetings may be held alternatively during the day and evening to accommodate the needs of committee members and the interested public.

## Section Five: Local Emergency Planning Committee Activities

To satisfy the letter of the law, LEPCs need only to do what is listed in the section of this book about duties and responsibilities. But there is much more that needs to be done. Often, LEPCs are the only conduit in the community for issues concerning hazardous materials, which are a focal point for county or municipal government, industry, schools, and concerned citizens. Indeed, LEPCs can do much to safeguard the health and welfare of the citizens within their jurisdiction by undertaking projects or activities enhancing the public awareness of, and government's capability to respond to, hazardous materials incidents.

The following is a list of activities LEPCs across the state have undertaken, often at little cost, but all with large benefits. Also these projects are eligible for partial or full funding under the DHS&EM managed Hazardous Materials Emergency Preparedness (HMEP) federal grant program. The list of activities noted below is not all-inclusive, but does provide examples of useful projects.

### Preparedness Activities

This category supports LEPCs baseline goals of increasing awareness of and planning for chemical and all-hazards events, well as helping their communities prepare and mitigate through planning and preparedness for potential events. This includes:

**LEPC sponsored exercises:** Tabletop exercises held in conjunction with a regularly scheduled LEPC meeting that test plans previously reviewed or in the process of review and approval by the state.

**Community Emergency Response Team (CERT):** Composed of volunteers trained by experienced emergency responders. CERT can be used as auxiliary responders to augment and support emergency services during times of disaster.”

**Hazards/Vulnerability/Capability Assessments:** In its simplest form, a way to find out what and where the HAZMAT threat is, who is vulnerable, and what capability exists to respond to an incident.

**Hazard/Threat Assessment:** Includes local industry required to report under EPCRA, propane facilities, bulk fuel storage facilities, and other fixed facilities. Also, don't forget about the transportation related threats traveling along roads, railroads, and airports plot them on a map, determine the most hazardous chemical at that location, and what the worst case effects are of a release of that chemical. Then draw a circle around that facility equal to a distance a chemical “plume” or other effect like a blast shock wave would travel.

**Vulnerability Assessment:** Look at census data, or other information available to determine who and what lies within the vulnerability circles noted above. Look for any special cases like schools, nursing homes, shopping malls, as well as neighborhood populations.

**Capability Assessment:** Look at what the jurisdiction has to respond to the threat, Look at not only county or municipal assets like fire departments, HAZMAT teams, law enforcement, emergency medical and other government owned assets, but also private industry may have response teams or equipment. Plot these on the hazards map.

Once all the plotting is completed, look at the whole picture to find any deficiencies in response. Then make plans to fix them.

**Hazardous Materials Commodity Flow Studies:** This is conducted to provide detailed information about the type, quantity, volume, and spatial distribution of hazardous materials traveling through your counties by over-the-road carriers and rail. This information is necessary for detailed emergency planning activities by your county's emergency response agencies. The first step is determining the routes to be studied. This can be a major highway through the county or city, or a heavily traveled road through high population areas. Railroad studies are also useful since they often run through high population areas and city centers. The second step is developing a survey schedule covering different days of the week, different times of day, and over a long enough period of time to ensure peak and off-peak traffic. The third step is to determine what methods you will use to collect the information. You can have teams stationed in safe locations along the routes using binoculars for placard surveys. You can also use vehicle manifest surveys, and train car manifest surveys. The fourth step is conducting the survey and compiling all of the information showing what types of hazardous materials, the quantities, frequencies and locations of where they are transported. A vulnerability study could also be done along your routes to determine what populations are at risk.

**Facility Surveys/Visits:** A program whereby LEPC members visit facilities to determine specifically where hazardous materials are located at the site, what response capabilities the facility has, access and exit routes, etc. This is particularly useful if members of the fire department servicing that facility participate. Also, facility surveys are useful to determine if that facility must report under EPCRA requirements.

**Hazardous Materials Reference Libraries:** Acquire and maintain reference materials concerning hazardous materials. Such publications as the NIOSH series of chemical guides handbooks of reactive chemicals, chemical desk references, NFPA HAZMAT Response Guidebooks, as well as many others provide an excellent reference source for your fire departments or HAZMAT team.

**Establish and Maintain a Tier II Data Base:** One EPCRA requirement is LEPCs must be a repository for chemical reports (Tier II forms) provided by those facilities that are required to report their holdings. A useful project is to keep an automated database of these reports which enables quick reference in case of an incident. The new CAMEO (Computer-Aided Management of Emergency Operations) software can be downloaded from the following EPA website:

- <http://www.epa.gov/emergencies/content/cameo/index.htm>.

**LEPC Sponsored Training:** Certain preapproved, nonresponse training for the LEPC and the community held in conjunction with a regularly scheduled LEPC meeting.

## Outreach and Information Activities

Public outreach activities equal preparedness activities in importance. The public also has responsibilities in all hazard response and they need to be reminded of what those responsibilities are, as well as informed of jurisdictional/ regional HAZMAT capabilities.

Note: The Outreach Category supports the committee's baseline goals of public involvement in the emergency planning process, CRTK, and all hazards awareness.

**Brochures, Pamphlets and Videos:** Media campaigns to increase awareness of chemical and all hazards: public service announcements, camera ready materials, website support, and newsletters. Annually publishing notice of public availability of CRTK data

**Public Displays:** Outreach activities and public events; booth displays; event backdrops or signs; displays and demonstrations; and informational materials such as brochures/flyers. An example of a display/demonstration is showing what a preparedness kit looks like for an individual, work, or family (small, medium, large).

**Promotional Items:** During outreach activities is a great opportunity to provide the community with promotional items that have the LEPC name and if possible the logo, phone contact, website, and/or sponsored by statement (see the Don't Forget note below). The following are examples of what is approved, requiring pre-approval, and not approved:

- Approved items: magnets, pens, pins, patches, whistles, plastic bags (carry brochures, promotional items), brochures, emergency guides, pamphlets, etc
- Items requiring pre-approval from DHS&EM: tote bag, water bottle, USB drive, flashlights or emergency key chain lights, vial of life, etc
- Items not approved: clothing, headwear, flashlights larger than keychain size, food, etc

**Public Service Announcements (PSAs):** Publishing notices of LEPC activities, and public notification of committee activities. Examples: Newspaper stories, and PSAs about LEPC activities, 'Hazardous Materials Tip of the Week' radio spots, etc.



Print advertising (brochures, pamphlets, videos, flyers, postcards, PSAs, etc.) should include the grant funding source ex: *This ad paid for by \_\_\_\_\_ LEPC with a grant from the State of Alaska, Division of Homeland Security and Emergency Management.*

**LEPC Web Sites:** Websites can be a great way to inform the public about the LEPC by posting LEPC meeting minutes, by-laws, brochure information, and links to other HAZMAT oriented sites. You could also have a portion of the site dedicated to industries to electronically file required EPCRA reports.

**Hazardous Materials Amnesty Day:** Sponsor an activity with community partners where the public can turn in HAZMAT or have it picked up. You might be surprised what the public has in their garages or storage buildings. Pesticides, explosives, and other dangerous substances are not unusual.

**Group Presentations:** Presentations to industry, civic organizations, school assemblies, nursing home staff, and many others are an excellent way of communicating the LEPC mission and HAZMAT specifics.

## Planning Activities

**Emergency Operations Plan (EOP):** The ongoing plan maintained by various jurisdictional levels for responding to a wide variety of potential hazards. It describes how people and property will be protected; details who is responsible for carrying out specific actions; identifies the personnel, equipment, facilities, supplies, and other resources available; and outlines how all actions will be coordinated.

**Emergency Evacuation Plan:** Emergency evacuation plans are developed to ensure the safest and most efficient evacuation time of all expected residents of a structure, city, or region. A benchmark "evacuation time" for different hazards and conditions is established. These benchmarks can be established through using best practices, regulations, or using simulations, such as modeling the flow of people in a building, to determine the benchmark. Proper planning will use multiple exits, contra-flow lanes, and special technologies to ensure full, fast and complete evacuation. Consideration should be made for personal situations which may affect an individual's ability to evacuate. These may include alarm signals using both aural and visual alerts. Regulations such as building codes can be used to reduce the possibility of panic by allowing individuals to process the need to self-evacuate without causing alarm.

**Continuity of Operations Plan (COOP):** Continuity of Operations, as defined in the National Security Presidential Directive-51/Homeland Security Presidential Directive-20 (NSPD-51/HSPD-20) and the National Continuity Policy Implementation Plan (NCPPI), is an effort within individual executive departments and agencies to ensure Primary Mission Essential Functions (PMEFs) continue to be performed during a wide range of emergencies, including localized acts of nature, accidents and technological or attack-related emergencies.

**All-Hazards Mitigation Plan:** An All-Hazards Mitigation Plan covers all hazards that could potentially impact the community during a disaster. Risk assessments are accomplished to determine how great of an impact each hazard is on the community and for each type disaster that could occur. The goal of this type plan is to establish mitigation measures to reduce the impact of that hazard during a disaster.

**Alaska Assessment:** The Alaska Assessment is designed to assist emergency planners, managers, experts, first responders, LEPC members, etc., on pinpointing capabilities on hand and shortages within the community. The goal is to improve operational readiness and reduce disaster impacts by identifying, reducing and/or eliminating shortages that exist between requirements, standards and performance versus the response or short-term recovery capabilities. The Alaska Assessment is a great tool used to ensure the above plans cover all functional capabilities in the community.

## Section Six: Local Emergency Planning Committee Grant

### Purpose

The LEPC Grant Program is intended to support, sustain, and enhance LEPCs in order to perform their statutory responsibilities under state and federal law and to perform all hazards planning projects that support the LEPC mission of increasing awareness of chemical and all hazards in their communities as well as preparing and mitigating for all hazards through planning activities.

The following link provides Guidance, the required forms (Application, Performance and Financial Progress Reports, Signatory Form, etc), Instructions for completing the Financial Progress Report, etc:

- [LEPC Grants](#)

### Required Baseline Activities

Baseline funding is awarded if the LEPC is active and its performance is acceptable. If performance is not acceptable, the SERC Finance Committee may reduce, reallocate, or not award funds to an LEPC. The following activities are required to maintain grant program compliance:

- Establish an LEPC and maintain membership
- Establish and maintain rules (bylaws) to include:
  - Provisions for public notification of committee activities
  - Public meetings to discuss emergency plan
  - Receive public comments and response to such comments
  - Distribution of emergency plans
- Annually publish notice of public availability of CRTK data
- Establish procedures for receiving and processing requests from the public for MSDS and Tier II information
- Review emergency plans once a year
- Evaluate need for resources to develop, implement, and exercise the emergency plan
- Make recommendations to DHS&EM and SERC regarding resources required for plan execution
- Act as an advisory committee to the political subdivisions within the LEPC
- Attend scheduled LEPC Association and SERC meetings
- Submit timely quarterly reports to DHS&EM in accordance with the LEPC Obligor Grant Award Document
- Maintain a current list of all facilities within the LEPC Required to complete a Tier II report

## Eligible Baseline Expense Categories

There are three expense categories eligible for grant funding: Management, Outreach, and Preparedness. The details are in the LEPC Grant Program Guidance found on the link below:

➤ [LEPC Grants](#)

Remember, expense items must support the intent of the LEPC purpose and follow state statutes and federal regulations. While there are many eligible expenses there are those that require preapproval and some that are ineligible.

Examples of Expense Items Requiring DHS&EM **prior** approval:

- Item (s) with a value of \$1,000.00 or more
- Capital equipment purchases such as computers, printers, faxes, copy machines, etc
- Travel for face-to-face LEPC meetings (some jurisdictions have members that must travel a distance to attend their LEPC); or sending extra LEPC members to the LEPCA or SERC meetings
- Non-response training held during a regularly scheduled LEPC meeting intended for the LEPC and the community

Examples of Expense Items **Not Eligible** for Grant Funding:

- Travel or training that has not been pre-approved by DHS&EM
- Late fees
- Interest fees
- Janitorial fees
- Food items
- First responder training and response equipment
- Clothing/headgear
- Software
- Activities not related to the intent of LEPCs

There are also general award provisions listed in the LEPC Grant Program Guidance. It covers general guidelines on applying for the grant, expending the funds for activities during the SFY only, and has other stipulations to ensure compliance with state statutes and federal regulations.



LEPCs who fail to send a representative to all LEPCA meetings (without prior approval from DHS&EM of the absence) in the prior grant year will be recommended for reduction in LEPC grant funding. Attendance at LEPCA meetings is a grant assurance on the obligating award document.

NOTE: There are two LEPCA and SERC meetings annually held during DHS&EM's Bi-annual Preparedness Conferences

## **ANNEX A: Sample LEPC Bylaws**

### **BYLAWS**

#### **INTRODUCTION**

The Superfund Amendment and Reauthorization Act (SARA) was enacted by Congress on October 17, 1986. SARA contains Title III – Emergency Planning and Community Right-to-know Act (EPCRA) appears as 42 USC 11001-11050.

EPCRA establishes requirements that federal, state, and local governments and industry must implement regarding emergency planning and community right-to-know reporting on hazardous materials.

The Alaska State Emergency Response Commission (SERC) was formed pursuant to SARA Title III and Alaska Statute 46.13.010. The SERC has designated Local Emergency Planning Districts (LEPD) and Local Emergency Planning Committees (LEPC) within the district.

#### **ARTICLE I**

##### **Goals of the LEPC**

1. Maintain complete membership with representatives from all areas of the district as mandated by 42 USC 11001(c) and AS 26.23.073 and Section 1d in the SERC Policies and Procedures Manual;
2. Identify facilities within the LEPC's jurisdiction that contain hazardous substances as defined by Alaska Statute 46.08.900(6) that exceed planning threshold quantities established by the Alaska Department of Environmental Conservation (DEC);
3. Formulate an information system to collect and keep accurate Material Safety Data Sheets (MSDS), Tier I and Tier II forms, and hazardous material information from facilities as required by Sections 311, 312, and 313 of SARA Title III.
4. Give public notice of meeting, the availability of emergency response plans, MSDS, forms, and follow up notices pursuant to 42 USC 11044;
5. Analyze and assess the risks and hazards associated with hazardous substances in the community as a first step to developing an emergency response plan;
6. Develop an emergency response plan pursuant to 42 USC 11003 and AS 26.23.070;
7. Define and describe a training program for LEPC members and emergency response personnel tailored to suit the needs determined by the risk assessment;
8. Receive comments and opinions offered by members of the public;
9. Receive and process requests from the public for information pursuant to 42 USC 11044(b), including Tier II information pursuant to 42 USC 11022(c);
10. Enter into agreements with other entities, public and private, to further the above goals and the overall preparedness and response capability of the LEPD.

**ARTICLE II**  
**Membership**

1. The Committee will be controlled by members under direction from the State of Alaska Division of Homeland Security and Emergency Management (DHS&EM). Any community government, person, partnership, committee, association, or other legal entity may request to be a Member of the LEPC. There is no limitation on the number of Members of the LEPC. Membership interests are not transferable. No Member shall hold more than one membership in the Committee. Membership is open to all communities and cities within the boundary of the LEPC. The LEPC must, at a minimum, include a representative from each of the following categories:
  - i. Elected local officials;
  - ii. Law enforcement, civil defense, fire fighting, first aid, health, local environmental, hospital, and transportation personnel
  - iii. Broadcast or print media
  - iv. Community groups
  - v. Owners and operators of facilities subject to the federal Community Right-to-Know Act
  - vi. Representatives of a local or inter-jurisdictional disaster planning and service area (if applicable)
  - vii. Members of the public not described above
2. Available positions must be publicly advertised for a minimum of three weeks in any of the following forms: local newspaper, public service announcement, radio or television, or posted notices where no local news media exists. The LEPC will document and retain evidence of all advertisement efforts.
3. The LEPC shall review submitted applications and recommend to the Chief Elected Official the name(s) of the candidate(s) for LEPC membership and the category in which each wishes to participate. The City Manager shall recommend LEPC membership from the names submitted by the LEPC to the SERC which must approve membership.
4. LEPC seats must be filled within 90 days of a vacancy. If the LEPC has advertised a position for three consecutive months with no one willing to be appointed, the LEPC will continue to function with that vacancy and will notify the SERC that it has no one to recommend for the position.
5. The LEPC shall maintain a membership book listing the name and address of each member. Supporting documents from each agency will also be maintained in the membership book. The book shall also contain the date membership ceases as needed. The membership book will be kept in the principal place of business of the LEPC.
6. Members serve two year terms. Continuation of membership will be determined by vote. Members may serve an unlimited number of terms.

7. An appointed Member's membership interest or an entity's membership in the LEPC shall terminate on the occurrence of any of the following events:
  - a. Upon receipt by an officer or Director of a Member's written resignation of membership;
  - b. Upon death of a Member if a natural person or the dissolution of the Member if a committee, partnership, or association;
  - c. If, after being given an opportunity to be heard, the Board of Directors for the Committee finds that a Member has engaged in conduct that violates the purposes for which the committee was formed, or has breached the duty of good faith owed to the LEPC to such a degree that the Member's membership interest in the committee should be terminated, or if the Member breaches the Code of Ethics followed by all members;
  - d. Upon receipt of a letter from the appointing entity terminating a member's appointment or replacing the member;
  - e. Upon a change in eligible community, city, or entity as determined by the State of Alaska DHS&EM.

### ARTICLE III Officers

1. The officers of the LEPC shall consist of a Chair, a Vice-Chair, and a Secretary. Terms shall be one year beginning January 1 and ending December 31. Elections will be held in November by majority vote.
  - a. The Chair shall preside at all meetings; be responsible for preserving order and decorum; submit recommendations and information they feel is important and proper concerning the business, affairs, and policies of the committee; recommend an agenda for all meetings; schedule meetings; sign all minutes and documents related to the LEPC; represent the LEPC to the SERC; direct the LEPC to form an emergency response plan in accordance with SARA Title III (303); direct the LEPC to annually review and update hazardous materials incident plan to the SERC; initiate requests for grant money to support and promote LEPC functions; and oversee the other officers. Any of these duties may be delegated to the Vice-Chair or Secretary.
  - b. The Vice-Chair will perform all duties of the Chair in absence of the Chair or as delegated by the Chair.
  - c. The Secretary's duties shall be to keep accurate minutes and records of the LEPC meetings; maintain an accurate file of the minutes and correspondence pertaining to the LEPC members; maintain a membership and attendance list; coordinate with the Chair and Vice-Chair on written responses to public comments; provide public notice of LEPC meetings in accordance with AS

- 44.62; prepare budget documents; prepare requests for grants under direction of the Chair.
2. Other officers may be added when needed by the LEPC at the recommendation of the Chair. Such officers may include a Treasurer or Coordinator of Information.

**ARTICLE IV**  
**Meetings**

1. Meetings shall be held on a regular basis, at least 4 times during each fiscal year.
2. Notice at least 7 days in advance of meetings shall be provided to all LEPC members and the public.
3. Special meetings may be called by the Chair upon written request of two Committee members or by another designated officer. A special meeting shall be held within one week of request and at least 2 days notice shall be given to members and the public.
4. A quorum shall consist of a simple majority of currently approved membership and is required to conduct business. Quorum must be maintained throughout meeting for business to continue.
5. Meetings of the LEPC shall be conducted in the following order of business:
  - a. Welcome and Introductions
  - b. Approval of Previous Meeting Minutes
  - c. Approval of Current Agenda
  - d. Public Comment
  - e. Reports of Subcommittees
  - f. Old Business
  - g. New Business
  - h. Next Meetings
  - i. Adjournment
6. Meetings will conducted according to Robert's Rules of Order.
7. The voting on all questions coming before the LEPC shall be by yea or nay, or a show of hands, unless action is taken for a roll call vote. If a roll call vote is approved, the roll call vote will be recorded in the meeting minutes. Each LEPC member is entitled to one vote. Members are encouraged to abstain from items which may pose a conflict of interest for them.
8. Members of the public are encouraged to attend meetings and may speak before the LEPC but do not hold voting rights unless appointed as a member.
9. Accurate minutes of all meetings shall be maintained by the Secretary.

**ARTICLE V**  
**Subcommittees**

1. The LEPC Chair may appoint and dissolve subcommittees composed of members of the committee and community. Subcommittees do not have to be composed entirely of LEPC members. Subcommittees will study and report on matters relevant to the LEPC. Non-LEPC members of subcommittees shall have full voting rights on the subcommittee to which they belong.

**ARTICLE VI**  
**Amendments**

1. The bylaws of the LEPC may be amended by roll call vote. All proposed amendments must be submitted in writing to the LEPC members at least 30 days prior to the vote and read in its final form at the meeting at which the proposed amendment is voted upon.
2. Signed original documents shall be filed in the LEPC office. A copy of the bylaws and any amendments to the bylaws shall be provided to the governing body, the SERC, and any person who requests a copy.

**ARTICLE VII**  
**SERC Policies**

1. Policies adopted by SERC will be kept on file with the LEPC bylaws. Sanctioned SERC policies that differ substantially from LEPC bylaws will be incorporated into LEPC bylaws as soon as possible. SERC policies shall have precedence over LEPC Bylaws where they differ.
2. Amendments or additions of SERC policies to LEPC bylaws will be added following the amendment procedures of Article VI.

## ANNEX B: Alaska State Emergency Response Commission Bylaws

Adopted November 2, 1990;  
Amended October 25,  
1994, May 2, 1995,  
April 8, 1996; May 14,  
2009

### **ALASKA STATE EMERGENCY RESPONSE COMMISSION BYLAWS**

#### **Article I**

##### **NAME**

This organization shall be known as the Alaska State Emergency Response Commission, hereinafter referred to as the "SERC."

#### **Article II**

##### **MISSION**

The mission of the SERC is to ensure State, federal, and local emergency planning and preparedness is established, integrated, and mutually supportive.

#### **Article III**

##### **PURPOSES**

The duties and activities of the SERC are those set forth by Alaska Statute (AS) 26.23, which establishes the SERC to implement the requirements of the "Emergency Planning and Community Right-to-Know Act of 1986," enacted by the U.S. Congress, and hereinafter referred to as the "Act" and planning for all hazards which may threaten the people, property or environment of the State of Alaska as defined in AS 26.23. The SERC is designated as the State Emergency Response Commission as defined in the Act, and shall perform all of the duties required of it under the Act and AS 26.23.

#### **Article IV**

##### **MEMBERSHIP**

Section 1. Members. To the extent practicable, the SERC shall be comprised of individuals with expertise in the emergency response field. The SERC shall consist of the following members:

(1) Seven public members appointed by the Governor:

Two of whom must be members of a rural Local Emergency Planning Committee (LEPC); Two of whom must be members of an urban LEPC;

Two of whom must represent a political subdivision with an LEPC;

One member who need not be any of the above, but who could represent any of the LEPC membership categories;

(2) The Adjutant General of the Department of Military and Veterans Affairs (DMVA) or the Adjutant General's designee (SERC co-chairperson);

(3) The Commissioner of the Department of Environmental Conservation (DEC) or the Commissioner's designee (SERC co-chairperson);

and the following commissioners or their designees:

Development;

- (5) The Commissioner of the Department of Fish and Game;
- (6) The Commissioner of the Department of Health and Social Services;
- (7) The Commissioner of the Department of Labor and Workforce Development; (8)

The Commissioner of the Department of Natural Resources;

- (9) The Commissioner of the Department of Public Safety; and
- (10) The Commissioner of the Department of Transportation and Public Facilities.

- (11) Representatives of the following state & federal agencies as ex-officio, nonvoting members:

- Department of Administration
- Department of Education and Early Development
- U.S. Department of Defense - Alaskan Command;
- Federal Emergency Management Agency (FEMA);
- U.S. Environmental Protection Agency (EPA); and
- U.S. Coast Guard (USCG).

Section 2. Inactive Members. Appointed members shall be considered inactive when they have missed more than two consecutive SERC meetings without notification to the SERC chairperson or staff of significant reasons why they were unable to attend the meetings.

Section 3. Removal of Members. Members of the SERC serve at the pleasure of the governor and may be removed by the governor without cause.

Section 4. Terms. Members other than those from the designated state departments serve staggered terms of three years.

Section 5. Vacancies. Vacancies in membership of the SERC shall be filled by the governor for the remainder of the unexpired term.

## **Article V**

### **OFFICERS AND DUTIES**

Section 1. Named. The officers of the SERC shall consist of two co-chairpersons. The adjutant general of the DMVA or the adjutant general's designee and the commissioner of the DEC or the commissioner's designee shall serve as co-chairpersons of the SERC.

Section 2. Duties of the DMVA co-chairperson. The DMVA co-chairperson shall, in cooperation with the DEC co-chairperson, recommend an agenda for each meeting, preside at all meetings of the SERC, preserve order during its meetings, appoint the chairperson of each committee of the SERC, serve as an ex-officio member of such committees, sign all minutes and other such records, vouchers or other documents connected with the work of the SERC requiring such signature, and be responsible for implementing the policies and actions adopted by the SERC.

Section 3. Duties of the DEC co-chairperson. In cooperation with the DMVA co-chairperson, recommend an agenda for each meeting. In the absence of the DMVA co-chairperson, or in the event of the DMVA co-chairperson's inability or refusal to act, the DEC co-chairperson, unless otherwise determined by the SERC, shall perform the duties of the DMVA co-chairperson, and when so acting shall have all the powers of the DMVA co-chairperson. The DEC co-chairperson shall exercise such other duties as from time to time may be assigned by the DMVA co-chairperson or the SERC.

**Article VI**

**MEETINGS**

Section 1. Regular Meetings. The Commission shall meet at least two times a year for regularly scheduled meetings. One of these meetings may be held via teleconference. Meeting dates are at the call of the co-chairpersons. Meetings shall be held in a location determined by the SERC unless otherwise noticed.

Section 2. Special Meetings. The DMVA co-chairperson may call such special meetings as may be deemed necessary to carry out the duties of the SERC. Upon written request of at least five members, the DMVA co-chairperson shall call a special meeting within 10 days. If the DMVA co-chairperson fails to call the special meeting, the DEC co-chairperson shall call it.

Section 3. Teleconference Meetings. The SERC may hold teleconference meetings as necessary. One of the two regular meetings may be held via teleconference, based on the recommendation of the SERC co-chairpersons. When a teleconference is held primarily to discuss and approve LEPC appointments, a simple majority must be on-line to take action on these appointments. The appointments may be approved by consent agenda or individually.

Section 4. Public Comment Meetings. The SERC shall hold such public comment meetings as it may deem necessary and desirable at such times and places as it may be determined by a majority vote of the SERC in regular meeting.

Section 5. Quorum. A quorum shall consist of a simple majority of SERC voting members. A quorum shall be required to be present to transact business.

Section 6. Agenda. Any member may request the co-chairpersons to place an item on the agenda. If the co-chairpersons should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the DMVA co-chairperson with supporting signatures of three members. Any other person wishing to place an item on the agenda for SERC consideration may request the DMVA co-chairperson to place the item on the agenda. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present to do so.

Section 7. Notice of Meeting. Notice of the time, place, and agenda items to be considered at each meeting shall be given in writing by the staff to all members at least two weeks prior to each meeting. Notice of special meetings and intended agenda items shall be given to all SERC members in writing, via fax, email (including referral to the SERC website), or by phone at least seven days in advance of any special meeting. Notice to the public of all SERC meetings shall be made in accordance with AS 44.62.310, Government Meetings Public. Notice of the meeting shall be posted at the offices of the co-chairpersons and at the meeting site.

Section 8. Rules of Order. The SERC shall adopt in its policies an order of business to be used for each meeting. The deliberation of all meetings of the Commission and its various committees shall be governed by Robert's Rules of Order, Newly Revised, when not inconsistent with these bylaws, or with special rules of order adopted by the SERC.

Section 9. Minutes of Meetings. Accurate minutes of all SERC meetings shall be maintained by the DMVA. Accurate minutes shall include, but not be limited to a record of all SERC actions, a record of attendance at meetings, and a summary of SERC discussion. Minutes of meetings shall be made available to any person who requests a copy. Agenda, minutes, and general information regarding the SERC are also available on the following website for public access:

<[http://www.ak-prepared.com/serc/SERC\\_Home.htm](http://www.ak-prepared.com/serc/SERC_Home.htm)>

Section 10. Participation of Members of the Public. Members of the public shall be encouraged to attend all regular, special, and public comment meetings. An opportunity shall be provided at the beginning and end of each meeting for members of the public to address the SERC. The SERC may enter into dialogue with representatives of groups represented in order to come to a vote on a matter. Members of the public speaking before the SERC must use microphones provided, state for the record their name, and who they represent if anyone other than themselves.

**Article VII**  
**VOTING**

Section 1. One Vote Each. Each SERC member, including the Chairperson, is entitled to one vote.

Section 2. Ex-Officio Members. Ex-Officio members may not vote.

Section 3. Proxy Votes. No member shall vote by proxy.

Section 4. Abstentions. Members may register their abstention on any vote which shall be reflected in the minutes, and members are encouraged to abstain on matters which would pose for them a conflict of interest as described in AS 39.52, Alaska Executive Branch Ethics Act.

Section 5. Conflict of Interest. Members will be familiar with AS 39.52., and its regulations. Section 6.

Roll Call Votes. At the discretion of the chairperson, during a teleconference meeting, upon call of any member, any SERC action may be taken by a roll call vote, and the vote of each member shall be reflected in the minutes.

**Article VIII**  
**COMMITTEES**

Section 1. Establishment. The SERC may establish committees as it deems necessary to accomplish its duties. When a committee is established, the categories of membership shall also be established and maintained by the SERC coordinator. The DMVA co-chairperson shall appoint the chair of each committee of the SERC, with powers, membership, and purposes as specified by the co-chairperson or the SERC, subject to approval by the SERC at its next regularly-scheduled meeting. The chair of each committee shall select the members of the committee, and shall report each selection to the SERC at the SERC's next regularly-scheduled meeting at which the SERC may approve or disapprove the selection.

The following are standing committees established by the SERC:

- All Hazards Plan Review Committee
- Finance Committee
- Work Plan Committee
- Training Committee
- Disaster Search and Rescue (DSAR)
- Citizen Corps
- Interoperable Communications Committee

Section 2. Membership. The DMVA co-chairperson of the SERC may appoint additional persons other than SERC members or their designees to serve on committees. At least one committee member shall be a member (or a designated representative) of the SERC.

Section 3. Travel and Per Diem. Members of committees shall serve without compensation, but are eligible to receive per diem and travel expenses authorized by AS 39.20.180 for boards and commissions.

Section 4. Staff Support. The DMVA shall serve as staff to the SERC. SERC staff shall provide technical support to and serve committees in an advisory capacity.

Section 5. Motions, Resolutions and Reports. Committee motions, resolutions, and reports shall be presented in writing or verbally to the SERC. Reports and minutes of the SERC meetings shall document the actions, decisions, and participation of committee members.

Section 6. Working Groups. The DMVA co-chairperson may appoint working groups to study special topics. At least one SERC member (or a designated representative) shall be on each working group.

**Article IX**  
**RESOLUTIONS, REPORTS AND RECOMMENDATIONS**

Section 1. Resolutions. All resolutions received for consideration by the SERC shall first be referred to SERC staff to present to the SERC with any background information necessary for SERC action.

Section 2. Work Plan. The SERC shall develop a biennial (once every two years) work plan describing its intended activities. The final work plan shall include a review and comment process by all local emergency planning committees and the public to ensure coordination and implementation of the Act and AS 26.23.

Section 3. Report. The SERC shall prepare a biennial (once every two years) report describing its activities for the preceding two years. Upon approval by the SERC, the report shall be transmitted by the co-chairpersons to the governor and then made available to the legislature, State and local agencies, local emergency planning committees and political subdivisions. The report shall be made available to the general public upon request.

Section 4. Legislative Recommendations. The SERC may make recommendations under its name to the governor for new or revised legislation which bears upon the duties and responsibilities of the SERC. Such recommendations shall not be considered final until approved by a majority of the members following a reasonable period of review. The SERC may designate one of its members to represent the SERC's position as the legislation is developed. Upon request of the governor, the SERC shall, in its name, formulate, and make recommendation for new or revised legislation.

**Article X**  
**AMENDMENTS**

These bylaws may be amended or replaced upon the affirmative vote of a majority of the members of the SERC at any regular meeting of the SERC provided that any proposed changes have been circulated to all members two weeks prior to any action thereon.

## **ANNEX C: Alaska State Emergency Response Commission Work Plan**

### **State Emergency Response Commission (SERC) Fiscal Year 2013/2014 Work Plan July 1, 2012**

#### ***MISSION***

The mission of the SERC is to ensure State, federal, and local emergency planning and preparedness is established, integrated, and mutually supportive.

#### ***GOALS***

Each local community (single or multi-jurisdictional) has a local emergency operations plan (EOP) which is regularly reviewed and exercised to ensure each community's operational readiness to respond to disasters.

Each State and federal agency in Alaska has an agency specific EOP which is regularly reviewed and exercised to ensure each agency's operational readiness to respond to disasters.

Community, industry, State, and federal disaster plans are integrated under a single unified Incident Command System (ICS) maintained by the Division of Homeland Security and Emergency Management (DHS&EM).

Communities in geographic areas which have been unable to establish a single or multi-jurisdictional planning organization are served by State agencies under the leadership of the Division of Homeland Security and Emergency Management (DHS&EM).

Active programs are established at State and local levels to raise public awareness of natural and technological hazards, as well as stress individual and family preparedness and risk reduction.

#### ***SERC COMMITTEES***

- All Hazards Plan Review Committee (AHPRC)
- Finance Committee
- Interoperable Communications Committee
- Training Committee
- Work Plan Committee
- Disaster Search and Rescue Committee
- Citizen Corps
- Statewide Mutual Aid Compact 2

***SERC TASKS (including proponent)***

1. Participate in finding solutions to statewide domestic preparedness issues. (SERC, DHS&EM)
2. Facilitate communication between state and local emergency planners. (SERC, DHS&EM, AHPRC)
3. Develop a public education program on government disaster readiness responsibilities and plans. (SERC, DHS&EM)
4. Participate in finding solutions to statewide emergency communications issues. (SERC, DMVA)
5. Develop a training program for local and state agency participants in disaster and emergency response incidents. (Training Committee, DHS&EM)
6. Develop and sponsor, as funding allows, a continual series of Alaska Emergency Management Conferences, each with specific topics in support of the SERC mission statement. (SERC, DHS&EM, LEPC Association, Industry)

***STANDING SERC TASKS (including proponent)***

1. Promote the adoption of the National Incident Management System (NIMS) and the use of the Incident Command System (ICS) to facilitate interaction with State, local and industry response to all hazards, multi-agency and multi-jurisdictional disasters and emergency incidents. (SERC, DHS&EM)
2. Maintain an active SERC membership. (SERC Coordinator)
3. Approve Local Emergency Planning Districts (LEPD) changes. (SERC Coordinator, DHS&EM, Finance Committee).
4. Approve appointments to Local Emergency Planning Committees (LEPC). (SERC)
5. Provide technical and financial assistance to maintain active LEPC's. (DHS&EM, DEC, Finance Committee)
6. Encourage LEPC's to maintain an active membership. (DHS&EM)
7. Re-evaluate the purpose and membership of all SERC standing and ad hoc committees with a view toward eliminating those that are no longer necessary or creating new ones as needed. (SERC, SERC Committee Chairs)
8. Review and comment on emergency response plans prepared by local, State and federal agencies. (AHPRC)
9. Provide technical and financial assistance for the preparation and implementation of local emergency operations plans. (DHS&EM, DEC, AHPRC, Finance Committee)
10. Maintain the SERC and LEPC Association web-sites. (SERC Coordinator)
11. Identify funding sources for State and local emergency response preparedness. (DHS&EM, Finance Committee, LEPC Association)
12. Manage the LEPC grant process. (SERC, DEC, DHS&EM, Finance Committee)

**Acronyms:**

AHPRC All Hazards Plan Review Committee  
DEC Department of Environmental Conservation  
DHS&EM Division of Homeland Security and Emergency Management  
DMVA Department of Military and Veterans Affairs  
EOP Emergency Operations Plan  
ICS Incident Command System  
LEPC Local Emergency Planning Committee  
LEPD Local Emergency Planning District  
NIMS National Incident Management System  
SERC State Emergency Response Commission

**ANNEX D: Alaska Local Emergency Planning Committee Association Resolution**

Introduced by: Co-Chair Vakalis  
Co-Chair Sunderland  
Requested by: LEPCA  
Drafted by: Sec./Treas. Dvorak  
Introduced on: 03/26/10

**ALASKA LOCAL EMERGENCY PLANNING COMMITTEE ASSOCIATION RESOLUTION  
NO. 2010-01**

**A RESOLUTION OF THE LOCAL EMERGENCY PLANNING COMMITTEE  
ASSOCIATION OF THE STATE OF ALASKA**

**WHEREAS,** It is good policy for public organizations to periodically review their mission statements, goals and bylaws in order to ensure that their efforts meet the needs of the citizens that they serve; and,

**WHEREAS,** The Local Emergency Planning Committee Association (LEPCA) has not substantially reviewed or amended its goals and bylaws since 1994; and,

**WHEREAS,** The role of the LEPCA has evolved considerably since 1994, requiring the LEPCA to balance community "right-to-know" grant requirements with an all-hazards approach to community preparedness planning; and,

**WHEREAS,** The LEPCA now wishes to consider amendments and revisions to the LEPCA goals and bylaws in order to more accurately reflect its mission and purpose in the present day;

**NOW, THEREFORE, BE IT RESOLVED BY THE ALASKA LOCAL EMERGENCY PLANNING ASSOCIATION (LEPCA) that:**

Section One.

The LEPCA goals are hereby amended as follows:

- 1 Promote community "right-to-know" programs.
- 2 Promote Emergency Planning in all Local Emergency Planning Districts.
- 3 Seek full and direct grant funding to LEPC's through Alaska Division of Homeland Security and Emergency Management (DHS&EM).
- 4 Promote public awareness, i.e., "What are LEPC's" and "What are their powers and duties", and how they benefit their communities.
- 5 Support the establishment of household hazardous waste programs around the state.
- 6 Increase local participation in training programs and exercises.

7 Promote political subdivision equipment upgrades and replacements for emergency response purposes.

8 Support statewide communications capability, i.e., emergency telephones, satellite telephones and radio interoperability.

9 Encourage the development and maintenance of local community response teams.

10 Promote all-hazards preparedness through outreach and education.

Section Two.

The LEPCA Bylaws are hereby amended as follows:

Mission: The LEPCA is an organization founded to create a forum of Local Emergency Planning Committees (LEPC's) throughout Alaska dedicated to improving communication and cooperation between LEPC's and to enhance local, regional and statewide disaster planning efforts. The LEPCA will work together to discuss issues of relevance to our efforts, to develop methods to present all of our positions accurately to the state government and others when the LEPCA may deem it necessary, and to help member LEPC's when possible.

Membership: All LEPC's within Alaska are members unless they officially request not to belong to the organization. LEPC's still forming, representing a distinct area in the state, will be considered full members of the Association.

LEPC Association Representation: The chair of any LEPC, or their designated representative, may represent that LEPC at any LEPC Association meeting, with voting rights. Each LEPC will have one vote, unless a co-Chair is from a represented LEPC. In that case an LEPC may designate a second representative from their LEPC who will hold the LEPC's voting rights.

LEPC Association Structure: The LEPCA will elect by majority vote of those present two co-Chairs, and one Secretary/Treasurer for the Association. Election of officers shall take place during the first annual meeting of the year with office to take effect upon the close of that meeting. Officers will be authorized to speak for the organization. Officers will be elected for a term of two years. There is no limit on the number of terms. Co-Chairs will serve staggered terms.

LEPC Association Positions: Votes will be taken on issues, when appropriate, among the LEPC's which are in attendance at any meeting. There is no quorum requirement. When opinions are unanimous, it will be so stated, with a detail of which LEPC's were officially involved in the vote. When there is dissent, both opinions will be presented, with a breakdown of which LEPC's favor which opinions. Copies of the minutes will be forwarded to all LEPC's after any Association meeting. LEPC's not represented at any meeting will have an opportunity to add a dissenting opinion or agree with the group, if they wish to do so when they receive the minutes, in a timely fashion. Nothing within the Association is intended to decrease the rights of all LEPC's to represent their opinions whenever they deem it necessary, and, in fact, all LEPC's are encouraged to do so.

LEPC Association Meetings: To be held in conjunction with SERC meetings, with time on the agenda allocated to discussion of any items on the SERC agenda of significance to the LEPC's. Teleconferences may be held whenever any LEPC, requests and there is consensus of the officers. Meetings will be consistent with the Alaska Open Meetings Act and its requirements, according to state law.

LEPCA Funds: Any funds possessed by the LEPCA will only be expended by a consensus of the elected officers and with the goals of the LEPCA in mind.

ADOPTED BY THE ALASKA LOCAL EMERGENCY PLANNING COMMITTEE  
ASSOCIATION THIS 8 DAY OF April 2010

ALASKA LEPCA



George Varkalis, Co-Chair

ALASKA LEPCA



Jamie Sunderland, Co-Chair

ATTEST:



Duane Dvorak, Secretary-Treasurer

## **ANNEX E: List of Acronyms**

CGC: Continuity Guidance Circular  
COOP: Continuity of Operations Plan  
CPG: Comprehensive Preparedness Guide  
CRTK: Community Right-to-Know

DEC: Alaska Department of Environmental Conservation  
DHS&EM: Division of Homeland Security and Emergency Management  
DMVA: Department of Military and Veterans Affairs

EHS: Extremely Hazardous Material  
EOP: Emergency Operations Plan  
EPA: Environmental Protection Agency  
EPCRA: Emergency Planning and Community Right-to-Know Act

FEMA: Federal Emergency Management Agency

HAZMAT: Hazardous Materials  
HMEP: Hazardous Materials Emergency Preparedness  
HSPD: Homeland Security Presidential Directive

ICS: Incident Command System

LEPC: Local Emergency Planning Committee  
LEPD: Local Emergency Planning District  
LEPCA: Local Emergency Planning Committee Association

SDS: Safety Data Sheets

NFPA: National Fire Protection Association  
NIMS: National Incident Management System  
NIOSH: National Institute for Occupational Safety and Health  
NRT: National Response Team  
NSPD: National Security Presidential Directive

PMEF: Primary Mission Essential Function  
PSA: Public Service Announcement

SARA: Superfund Amendments and Reauthorization Act  
SERC: State Emergency Response Commission

## ANNEX F: Reference Materials

### State of Alaska Division of Homeland Security and Emergency Management Grants Management Handbook

The *Grants Management Guide* serves as a primary reference manual safeguard grant funds and ensure funds are used for the purposes for which they were awarded. This Guide should serve as a day-to-day management tool for Division of Homeland Security and Emergency Management (DHS&EM) award sub recipients in administering grant programs.

- <http://ready.alaska.gov/grants.htm>.

### Comprehensive Preparedness Guide 101 Version 2

Comprehensive Preparedness Guide (CPG) 101 provides guidelines on developing emergency operations plans (EOP). It promotes a common understanding of the fundamentals of risk-informed planning and decision making to help planners examine a hazard or threat and produce integrated, coordinated, and synchronized plans. The goal of CPG 101 is to make the planning process routine across all phases of emergency management and for all homeland security mission areas. This Guide helps planners at all levels of government in their efforts to develop and maintain viable all-hazards, all-threats EOPs. Accomplished properly, planning provides a methodical way to engage the whole community in thinking through the life cycle of a potential crisis, determining required capabilities, and establishing a framework for roles and responsibilities. It shapes how a community envisions and shares a desired outcome, selects effective ways to achieve it, and communicates expected results. Each jurisdiction's plans must reflect what that community will do to address its specific risks with the unique resources it has or can obtain

- [http://www.fema.gov/pdf/about/divisions/npd/CPG\\_101\\_V2.pdf](http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf)

### Continuity Guidance Circular (CGC) 1

Continuity Guidance for Non-Federal Entities (States, Territories, Tribal, and Local Government Jurisdictions and Private Sector Organizations), was approved by the FEMA Administrator on January 21, 2009. CGC 1 supersedes the Interim Guidance on Continuity of Operations Planning for State and Local Governments, and provides operational guidance for implementing NSPD-51/HSPD-20 for non-Federal entities. CGC 1 provides guidance for developing continuity plans and programs for the sustainment of essential functions and services to our nation's citizens, under all conditions.

- [http://www.fema.gov/pdf/about/org/ncp/cont\\_guidance1.pdf](http://www.fema.gov/pdf/about/org/ncp/cont_guidance1.pdf)

### Continuity Guidance Circular (CGC) 2

Continuity Guidance for Non-Federal Entities: Mission Essential Functions Identification Process (States, Territories, Tribes, and Local Government Jurisdictions), was approved July 22, 2010, by the Assistant Administrator of National Continuity Programs. CGC 2 provides planning guidance to assist non-Federal entities and organizations in identifying their essential functions. Additionally, CGC 2 describes the use of a systematic Business Process Analysis, Business Impact Analysis, and the development of risk mitigation strategies.

- [http://www.fema.gov/pdf/about/org/ncp/coop/cont\\_guidance2.pdf](http://www.fema.gov/pdf/about/org/ncp/coop/cont_guidance2.pdf)

## **ANNEX G: Additional Resources for Local Emergency Planning Committees**

National Association of SARA Title III Program Officials

### WHITE PAPER

“The Practical Evaluation of Local Emergency Planning and Preparedness”  
by Tim Gablehouse, NASTTPO President, July 2007

The objective of this paper is not to simply restate the requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA). Rather it is intended to make observations on the practical aspects of local emergency planning and preparedness. It is assumed that the reader has some background in the provisions of EPCRA and those will not be restated here.

Local Emergency Planning Committees (LEPCs) are the backbone of EPCRA. They are typically a collection of volunteers made up of local government employees, first response agencies, facility representatives and members of the public. While EPCRA does contain a list of desired membership background and representation, most LEPCs do not have members in all those categories. Rarely will an LEPC have a staff and even less often will that staff be either paid or applied to LEPC functions on a full-time basis.

The typical LEPC functions without a budget or with only a small amount of money frequently in the form of grants from the State Emergency Planning Commission (SERC). The chair and LEPC members often provide support from their own pockets or with discretionary funds from their employer's budgets.

LEPCs are frequently organized within the offices of a first response agency or local government office of emergency management. In such cases it can be difficult to identify where the parent agency's activities end and the LEPC's begin. The functions are obviously complementary and therefore that distinction is frequently misleading or of little importance in the day-to-day planning and preparedness of the community.

#### Planning

A limited reading of EPCRA gives the impression that the LEPCs are supposed to develop emergency response plans for hazardous substances. This can create a conflict if it is routine for such plans to already exist within first response agencies and local emergency management offices. An LEPC that is housed within one of these agencies will have typically been involved in its planning activities. More independent LEPCs will frequently be active in providing information and input to these agencies in order to help them improve the plans.

In some communities the LEPC has become a broader all-hazards emergency planning agency within the community. This happens when the cooperation and resources available within the LEPC make this the most efficient approach for that community. While not all SERCs have adopted policies on the coordination between LEPCs and other planning agencies, most encourage whatever arrangement is most productive for the community.

Most LEPCs consider and adopt projects based upon core missions they feel are important in the community. These may involve any variety of matters, but are generally focused on a desire to protect first responders and the public through better information and awareness of risks in the community.

Consideration must be given to the resources available and the interests of the members. Most SERCs will support a vast range of LEPC activities as long as they have some relationship to the intent of EPCRA.

The greatest tool available to an LEPC is its very substantial information gathering power. However, most SERCs encourage LEPCs to do more than just collect boxes of paper. Many LEPCs focus their activities on information requests that bring facilities into closer cooperation with the first responder community. Examples are fire department approval of contingency plans, exercise organization and public awareness of expected behavior during an emergency.

LEPCs also perform a generalized role in community-wide efforts to improve public awareness of risks and preparedness for emergencies. They will encourage the very basic things such as 72-hour emergency kits, first aid training, and household safety. Often they will work on projects such as household hazardous waste collection, school lab chemical safety and the hazards of methamphetamine labs.

Most SERCs will encourage LEPCs to think expansively as there are a myriad of other activities that may be useful in a community. The late Jim Makris – widely called the “father” of EPCRA once said that it’s best to think of LEPCs as local “environmental” protection committees as he saw them working more broadly to improve conditions in their communities.

### Organization and Membership

LEPC membership is approved by the SERCs. Once an LEPC is established, SERCs will have some procedure or policy by which the committees are responsible for advising the SERCs of their membership changes and seeking approval. Whether or not an LEPC has “officers” beyond a chair is a matter of state practice and policy. The chair typically functions as the point of contact for the SERC, the public and for regulated facilities.

Broad membership is encouraged. While there is a list of membership types in EPCRA, SERCs recognize that it is not realistic to find all of those types of people in every community. On the other hand, membership should not be limited. Anyone with an interest, a desire to assist with projects, and good manners should be encouraged to join and participate.

By-laws are not required in most states, but they are commonly used. The function of by-laws is primarily to provide some structure to membership decisions and the election of the chair. As a practical matter LEPCs tend to function in a consensus fashion rather than using a formal vote process. Exceptions would be the rare event when the LEPC intends to pursue legal enforcement of its information requests under EPCRA.

### Dealing with Facilities

The power of LEPCs is to obtain information relevant to emergency planning. Both owners and operators of facilities are responsible for providing this information. While some reports, Tier II for example, are automatic under EPCRA and state laws, the real power in LEPC information requests is the ability to focus the request on the specific facility and community involved.

LEPCs should articulate why they are asking for information beyond the routine Tier II form. There are, of course, many potential reasons. The point is that when asking a facility for additional information it should be clear to that facility that the information is important to the community.

LEPCs will often look to provide facilities with the opportunity to demonstrate their good corporate citizenship. Many facilities try hard to reduce risks and support first responders. Through exercises, public meetings, and other activities it is important for LEPCs to recognize and reward these activities.

### Dealing with the Public

As a general rule, all EPCRA-related information in the possession of an LEPC is publically available. Requests for information, such as Tier II data and CAA Sec. 112r Risk Management Plans, can come to an LEPC. They should have procedures in place to notify the public that this information is available and instructions on how it can be obtained.

LEPCs should encourage the public to participate with the LEPC. If members of the public have questions about preparedness or facility safety, it is always appropriate to ask the public to attend a meeting to discuss their concerns. Often an LEPC will refer facility-specific inquiries directly to the facility. While this can be effective in improving facility/public relations in many cases, it is equally true that the involvement of the LEPC will be useful in creating some context for the discussion.

Accident prevention is primarily the responsibility of facilities. Nonetheless, LEPCs and first responder organizations are just as responsible to the public as the facility when it comes to community preparedness. Assurances of accident prevention programs only address part of the overarching community planning and preparedness equation. Effective preparedness involves the facility, the community, and individuals merging answers to these three key questions:

What are the accident risks of this facility and how are they being prevented? What are the plans and capabilities of the community should an accident happen? What do I do to protect myself and those I am responsible for during an emergency?

### The Broader Mission

One of the most difficult tasks faced by an LEPC is creating a public awareness of risks and improving community preparedness. LEPCs should look for opportunities through the schools, civic groups, youth programs, churches, and any other organization active in the community to accomplish this mission.

This means that LEPCs must embrace a broader sense of community responsibility for accident prevention and preparedness. It is not appropriate to be a passive collector of information. With this in mind the following “Golden Rules” are proposed for the broader community.

Preferably it is the LEPCs that should lead the process of addressing the goals stated in the Golden Rules, but that really is not the complete point. Whether or not an LEPC exists, leadership within a community needs to be focused on these issues. Leadership comes from various places depending upon the community it may be elected leadership, first response agencies or community groups. Whether or not called an LEPC, the functions must exist or no community will be adequately involved in accident prevention or preparedness.

State and federal agencies along with facilities should have an expectation that communities will address these issues. They cannot be passive in this regard. The risk is shared and the responsibility is equally shared. Preparedness cannot be imposed on a community nor can it be provided from outside. All stakeholders have a responsibility to find and encourage appropriate leadership within the community.

The era of passivity in accident prevention and community preparedness is gone. Whether facility, government, first response agency, or members of the public, all are connected and all have a role. The best examples of local emergency planning and preparedness focused on trying to follow the Golden Rules will have the following attributes:

- A close relationship between emergency planners and first response agencies.
- A close relationship between facilities and these agencies and the public.
- Information sharing on hazards, accident prevention efforts and emergency response.
- Public involvement in developing expectations for public behavior during an emergency.
- Repeated exercises of emergency response plans including public education.
- Generalized all-hazards preparedness efforts developed with public involvement.

We are mindful that in the past the regulatory environment has tended to create an adversary relationship between communities and facilities. From topics as diverse as land use planning and environmental permitting through emergency response, the relationship is often confrontational. LEPCs are not regulatory agencies. They have the capacity to break through this barrier for the greater good of their communities.

### Golden Rules for Communities

- While the primary responsibilities lie with the industry, there are important responsibilities for stakeholders at the local level. An important aspect of making the facilities safer to the community in which they exist is the communities' involvement with prevention and preparedness objectives.
- Be aware of the risks in your community and know what to do in the event of an accident. Members of communities near hazardous installations, and others that might be affected in the event of an accident should make sure that they understand the risks they face and what to do in the event of an accident to mitigate possible adverse effects on health, the environment and property (e.g., understand the warning signals and what actions are appropriate). This involves reading and maintaining any information they receive, sharing this information with others, and seeking additional information as appropriate.
- Communicate and co-operate with other stakeholders on all aspects of accident prevention, preparedness, and response. The community should not pressure the industry, but instead there should be an open policy between the community and the industry, and a shared objective of reducing the likelihood of accidents. The potentially affected public should receive information needed to support prevention and preparedness objectives, and should participate in decision making related to hazardous installations, as appropriate.
- Participate in decision-making relating to hazardous installations. The laws in many communities provide opportunities for members of the public to participate in decision-making related to hazardous installations, for example by commenting on proposed regulations or zoning decisions, or providing input for procedures concerning licensing or siting of specific installations. Members of the public should take advantage of these opportunities to present the perspective of the community. They should work towards ensuring that such opportunities exist whenever appropriate, and that the public has the information necessary for effective participation.
- Know the hazards and risks at installations in your community where there are hazardous substances. The community should undertake, in co-operation with other stakeholders, the hazard identification and risk assessments needed for a complete understanding of the risks to the public, the environment, and

property in the event of an accident. Hazard identification and risk assessments should be undertaken from the earliest stages of design and construction, throughout operation and maintenance, and should address the possibilities of human or technological failures, as well as releases resulting from natural disasters or deliberate acts (such as terrorism, sabotage, vandalism, or theft). Such assessments should be repeated periodically and whenever there are significant modifications to the installation.

- Prepare for any accidents that occur. It is important to recognize that it is not possible to totally eliminate the risk of an accident. Therefore, it is critical to have appropriate preparedness planning in order to minimize the likelihood and extent of any adverse effects on health, the environment, or property. The community should conduct, in cooperation with other stakeholders, any off-site planning including provision of information to the potentially affected public.
- Co-operate with local authorities, and industry, in emergency planning and response. Representatives of the community should take advantage of opportunities to provide input into the emergency planning process, both with respect to on-site and off-site plans. In addition, members of the public should co-operate with any tests or exercises of emergency plans, following directions and providing feedback, as appropriate.
- Assist other stakeholders to carry out their respective roles and responsibilities. The community should co-operate with management and employee representatives and public authorities in order to promote communication and involvement from all stakeholders involved.