

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

March 11, 2009

1:03 p.m.

**MEMBERS PRESENT**

Representative Craig Johnson, Co-Chair  
Representative Bryce Edgmon  
Representative Paul Seaton  
Representative David Guttenberg  
Representative Scott Kawasaki  
Representative Chris Tuck

**MEMBERS ABSENT**

Representative Mark Neuman, Co-Chair  
Representative Kurt Olson  
Representative Peggy Wilson

**COMMITTEE CALENDAR**

HOUSE JOINT RESOLUTION NO. 19

Recognizing the 20th anniversary of the Exxon Valdez oil spill and supporting the continued practice of accompanying each oil tanker through Prince William Sound with at least a two vessel escort.

- MOVED HJR 19 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HJR 19

SHORT TITLE: OIL TANKER ESCORT VESSELS/OIL SPILL ANNIV

SPONSOR(S): REPRESENTATIVE(S) AUSTERMAN

02/23/09	(H)	READ THE FIRST TIME - REFERRALS
02/23/09	(H)	RES
03/11/09	(H)	RES AT 1:00 PM BARNES 124

**WITNESS REGISTER**

ERIN HARRINGTON, Staff  
Representative Alan Austerman  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HJR 19 on behalf of the sponsor, Representative Austerman.

DOROTHY MOORE, Representative  
Prince William Sound Regional Citizens' Advisory Council  
Valdez, Alaska

**POSITION STATEMENT:** Supported HJR 19.

ALVIN BURCH, Representative  
Kodiak Island Borough  
Alaska Whitefish Trawlers Association  
Kodiak, Alaska

**POSITION STATEMENT:** Supported HJR 19.

IVER MALUTIN, Representative  
Prince William Sound Regional Citizens' Advisory Council  
Kodiak, Alaska

**POSITION STATEMENT:** During hearing on HJR 19, pointed out that oil spill prevention protects the food supply of Natives.

JOHN VELSKO, Representative  
Prince William Sound Regional Citizens' Advisory Council  
Homer, Alaska

**POSITION STATEMENT:** Supported HJR 19.

PETER LAPINSKI, Representative  
Inland Boatmen's Union of the Pacific  
Ketchikan, Alaska

**POSITION STATEMENT:** Supported HJR 19.

PATIENCE ANDERSON-FAULKNER, President  
Prince William Sound Regional Citizens' Advisory Council  
Cordova, Alaska

**POSITION STATEMENT:** Supported HJR 19.

STAN JONES, Director of External Affairs  
Prince William Sound Regional Citizens' Advisory Council  
Anchorage, Alaska

**POSITION STATEMENT:** During hearing on HJR 19, provided supporting information.

JOEL KENNEDY, Project Manager  
Maritime Operations Manager  
Prince William Sound Regional Citizens' Advisory Council  
(No address provided)

**POSITION STATEMENT:** Supported HJR 19.

JOHN FRENCH, Ph.D., Representative  
Prince William Sound Regional Citizen's Advisory Council  
Seward, Alaska

**POSITION STATEMENT:** Supported HJR 19.

JERRY MCCUNE, Representative  
United Fishermen of Alaska  
Cordova, Alaska

**POSITION STATEMENT:** During hearing on HJR 19, supported a two tug escort system for oil tankers.

LARRY DIETRICK, Director  
Division of Spill Prevention & Response  
Department of Environmental Conservation  
Juneau, Alaska

**POSITION STATEMENT:** Provided information and answered questions during hearing on HJR 19.

#### **ACTION NARRATIVE**

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**CO-CHAIR CRAIG JOHNSON** called the House Resources Standing Committee meeting to order at 1:03 p.m. Representatives Johnson, Seaton, Kawasaki, Edgmon, Tuck, and Guttenberg were present at the call to order.

#### HJR 19-OIL TANKER ESCORT VESSELS/OIL SPILL ANNIV

[1:03:19 PM](#)

CO-CHAIR JOHNSON announced that the only order of business would be HOUSE JOINT RESOLUTION NO. 19, Recognizing the 20th anniversary of the Exxon Valdez oil spill and supporting the continued practice of accompanying each oil tanker through Prince William Sound with at least a two vessel escort.

ERIN HARRINGTON, Staff, Representative Alan Austerman, Alaska State Legislature, presented HJR 19 on behalf of Representative Austerman, sponsor. She said the resolution recognizes the twentieth anniversary of the Exxon Valdez oil spill and supports continuation of the practice of dual tug escorts for loaded oil tankers traversing Prince William Sound.

MS. HARRINGTON recounted that nearly 11 million gallons of crude oil spilled into Prince William Sound when the Exxon Valdez ran

aground on Bligh Reef on March 24, 1989. The oil spill reached as far away as Chignik on the Alaska Peninsula. Approximately 1,300 miles of coastline were oiled, including the coastline of Kodiak which is within Representative Austerman's district. The estimated initial death toll from the spill included 250,000 sea birds, 2,800 sea otters, 300 harbor seals, 250 bald eagles, up to 22 killer whales, and billions of salmon and herring eggs and intertidal plants and animals. Some of the injured species are still recovering today, she said.

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MS. HARRINGTON related that the Oil Pollution Act of 1990 (OPA 1990), passed by the U.S. Congress, addressed preventing, responding to, and paying for oil pollution incidents in navigable waters of the U.S. One of OPA's several provisions requires that single-hulled tankers operating in Prince William Sound and Puget Sound be escorted by two tugs. The State of Alaska also passed legislation and AS 46.04.030 requires shippers operating in Alaska to have oil spill prevention and contingency plans in place and that these plans must be approved by the Department of Environmental Conservation (DEC).

MS. HARRINGTON noted that under the state's current oil spill prevention and contingency plan for Prince William Sound, a two tug escort is required for double-hulled tankers as well as for single-hulled tankers. Since 1989 improvements have been made in the shipping industry and in vessels. It is anticipated that within one to two years, there will be no more single-hulled vessels operating in Prince William Sound and the entire fleet will be double hulled.

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MS. HARRINGTON explained that since OPA's two-tug requirement applies only to single-hulled vessels, there is some question as to whether this requirement will be continued once all the vessels are double hulled. In addition, the state's oil spill prevention and contingency plans can be reviewed, amended, and changed with approval from the Department of Environmental Conservation. There is concern among Representative Austerman's constituents and members of the Prince William Sound Regional Citizens' Advisory Council that as single-hulled tankers transfer out of Prince William Sound there will be a move toward requiring only a one-tug instead of a two-tug escort. She said the Regional Citizens' Advisory Council (RCAC) system predates

OPA and was used as the model for establishing an RCAC system under OPA.

MS. HARRINGTON pointed out that HJR 19 addresses this expressed concern. The system currently in place has worked - there have been no catastrophic oil spills in Prince William Sound since 1989. A system that works should be kept in place, which is why the Prince William Sound RCAC strongly supports the current two-tug escort system. She said Representative Austerman agrees and HJR 19 asks that the dual-tug system remain in place.

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MS. HARRINGTON directed attention to a photograph in the committee packets depicting a tanker being escorted by two tugs and described what is occurring in the picture. The tanker is traveling toward the top of the page, or away from the viewer, she explained. A line [from the tanker's stern] is attached to [the stern of] a tug that is traveling backward behind the tanker. This type of tug is designed to travel backward because this allows the tug to immediately apply power to redirect the tanker's course should that be needed. A second [untethered] tug follows behind the first. Having the tugs follow the tanker rather than leading it is the standard travelling procedure. She noted that while the sea state in the photograph is calm, that is not usually the case for Alaska's seas.

MS. HARRINGTON reiterated that the current dual-escort system has been successful in preventing oil spills. She said the resolution suggests, and Representative Austerman believes, that this system should be retained to ensure continued protection of the natural resources of Prince William Sound and the Gulf of Alaska.

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REPRESENTATIVE SEATON surmised that redirecting of the tanker means the tug would pull on the tanker to maintain whatever course of direction is needed should there be a problem such as the tanker's steering system locking up.

MS. HARRINGTON responded yes. A tanker is an enormous and heavy vessel to stop, even when going slowly within the confines of Prince William Sound. Because the tug is attached to the tanker's stern, it can redirect the tanker's trajectory to avoid reefs or other hazards should the tanker have some sort of failure.

REPRESENTATIVE SEATON recalled seeing an email from one of the shippers that indicated the current escort system is working well and is a cost-effective method of oil spill prevention.

MS. HARRINGTON replied that she does not have a copy of that email and would appreciate seeing it.

CO-CHAIR JOHNSON said he does not recall seeing the email.

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REPRESENTATIVE KAWASAKI, in reference to statements about no further spills having occurred, asked where the double-escort system had actually had an impact.

MS. HARRINGTON answered that there have been no major oil spills in Prince William Sound, although there may have been spills elsewhere that she is unaware of. She said she has not received any information about any particular events that were avoided by virtue of having a two-tug system and this is proof of an effective system. She added that there have been groundings of tankers and other large vessels in Alaska, including a December 2004 grounding of a cargo ship in the Aleutian Islands. The environmental effects were significant, but because the ship was carrying soy beans the impacts were not as severe as an oil spill. In 2006, the Seabulk Pride, an oil tanker operating in Cook Inlet, broke loose from a dock in Nikiski and ran aground, but there was no oil spill because it was a double-hulled tanker. However, she pointed out, there were no tug boats immediately available, and it took several days to get the tanker off the beach.

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REPRESENTATIVE KAWASAKI asked whether tug escorts are necessary for double-hulled tankers.

MS. HARRINGTON responded that a double-hulled tanker is certainly an improvement over a single-hulled tanker where a breach of the first hull would directly result in an oil spill. However, a double hull does not mean there is no potential for a breach of the inner hull in a grounding and, given the impacts of an oil spill, this extra caution is warranted.

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REPRESENTATIVE GUTTENBERG offered his support for HJR 19. He inquired whether escort is required for laden oil tankers only or for both laden and unladen.

MS. HARRINGTON understood the requirement is for loaded tankers, but said she is not entirely sure. She deferred to the Department of Environmental Conservation to answer the question.

REPRESENTATIVE EDGMON said he supports HJR 19 and the sponsor's intent. He expressed his hope that an Exxon Valdez never comes ashore in the form of the Pebble Mine. Action must be taken before, not in the aftermath, he cautioned, as was done with the Exxon Valdez oil spill.

CO-CHAIR JOHNSON opened public testimony.

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DOROTHY MOORE, Representative, Prince William Sound Regional Citizens' Advisory Council, noted that Valdez has been her home since 1949. She said she is a member of the Valdez City Council and is the council's representative on the Prince William Sound RCAC. She urged committee members to support HJR 19 because mechanical, human, and natural factors can cause an oil spill. She provided members with a list of seven tanker saves that happened in Prince William Sound between 1989 and 2001 [compiled by the Prince William Sound RCAC, dated March 5, 2009].

MS. MOORE said she believes the waters of Prince William Sound are unique to the entire world and as such they need unique preservation measures. All of the factors that were present in 1989 are present today, she cautioned, and Alaskans should not become complacent again. In 1989, the Alyeska Pipeline Service Company had dismantled its oil spill [response system] except for one barge which was in dry dock. Alaskans must remain continually vigilant and for 20 years the double escorts have proven to eliminate groundings that could lead to an oil spill. According to staff in the RCAC's Valdez office, she related, a double hull on the Exxon Valdez would not have prevented an oil spill, it would only have reduced it. The goal is to prevent oil spills, not reduce them, she pointed out. The escorts provide a multiple group of eyes for anything that might come up and should be continued.

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MS. MOORE, in response to Co-Chair Johnson, explained that RCAC stands for Regional Citizens' Advisory Council, an entity established under the Oil Pollution Act of 1990 to be the eyes on Prince William Sound. There is also an RCAC for Cook Inlet, she added. In further response to Co-Chair Johnson, Ms. Moore explained that the damage to the Exxon Valdez extended as far back as where it would have entered the second hull had it been a double-hulled tanker. She said she is unsure whether the RCAC has a marine [engineer] on staff, but that the staff consults with marine experts.

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ALVIN BURCH, Representative, Kodiak Island Borough, Alaska Whitefish Trawlers Association, said he has been a member of the Prince William Sound RCAC for 10 years and is currently serving on the RCAC as the Kodiak Island Borough representative. He noted that fellow Kodiak resident, Jay Stinson, President of the Alaska Whitefish Trawlers Association, is on the Cook Inlet RCAC.

MR. BURCH addressed previous questions rather than providing a prepared statement. He told members about a documented incident where the tugs saved the lives of four fishermen when their vessel pulled out in front of a laden tanker in Valdez. It takes over two miles to stop a laden tanker, he explained, and the tethered tug was able to swing the tanker's stern to make it miss the fishing boat. He said that had the Exxon Valdez been double hulled, it still would have lost 25-60 percent of its oil cargo; so double hulled is not the answer, it is only a help. The OPA 1990 should be extended in perpetuity to also include double-hulled tankers.

MR. BURCH related that he had his vessel in Prince William Sound on the day of the Exxon Valdez oil spill and that he had offered the vessel as a communication platform to anyone free of charge. But, four days later he was flying over the tanker on his way to Washington, DC, to see U.S. Senator Ted Stevens. While his vessel was eventually hired to help with the clean up, he stressed that the answer is prevention, not clean up, and he never wants to see such a mess again.

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IVER MALUTIN, Representative, Prince William Sound Regional Citizens' Advisory Council, noted that in addition to being a new member of the RCAC, he is an elders advocate for the Kodiak

Area Native Association. As an elders advocate he is responsible for getting every elder on Kodiak Island all the traditional food that they need. He pointed out that a lot of the resources are gone today. For example, the clam numbers are reduced and the sea otters are moving further and further south in search of food. He said he worked on the Exxon Valdez oil spill and it was one of the most mismanaged things he has ever seen in his life. He related that according to people he has talked to, there is still oil on the Barren Islands.

MR. MALUTIN compared a double-hulled tanker to the Titanic which was not supposed to sink but did - a double hull is not supposed to leak oil, but yet the unbelievable can still happen. He agreed with Mr. Burch that the answer is prevention. After 77 years in Kodiak, he said he knows the many impacts that Natives have had to their lives. Without oil spill prevention, Natives will have nothing, he emphasized. Prevention does not require a doctorate degree, only common sense.

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JOHN VELSKO, Representative, Prince William Sound Regional Citizens' Advisory Council, stated that he is the City of Homer's representative on the Prince William Sound RCAC. He said he has been a Homer resident for 35 years and is a commercial fisherman for salmon and halibut.

MR. VELSKO related that the Prince William Sound RCAC voted unanimously in January 2009 to put this resolution before the Alaska State Legislature. The Prince William Sound RCAC is comprised of members of the coastal communities that were affected by the Exxon Valdez oil spill, such as tourism organizations, Native corporations, aquaculture interests, and commercial fishing organizations. The RCAC was established by federal mandate after the spill and its mission is to provide citizen oversight on the tanker traffic in Prince William Sound and the operations at the Valdez Marine Terminal. "Preservation of the current state-of-the-art escort system has been identified by the board of directors as being our most pressing issue at this time," he said.

MR. VELSKO explained that the RCAC is hoping the passage of HJR 19 will help to codify in law and regulation the continuation of tug escorts in Prince William Sound. This issue should not be dependent on the good will of the oil industry. Once the last single-hulled tanker leaves the sound, there will not be a federal mandate to keep the tug escort in place. He pointed out

that in its arguments against the implementation of double-hulled tankers, ExxonMobil Corporation cited studies that showed double-hulled tankers do not prevent oil spills, they only reduce the amount of oil spilled.

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PETER LAPINSKI, Representative, Inland Boatmen's Union of the Pacific, noted that members of the Inland Boatmen's Union run the Crowley tugs that escort the tankers. He said that no matter how technologically advanced the safety systems become or whether the tanker is double or triple hulled, accidents are the result of human error. The tugs help prevent an accident by acting as an extra set of eyes and ears for the ship. In addition, the tugs act as a first responder if something does happen as they carry oil booms and other equipment. Businesses are always interested in the bottom line and unless there is a law to enforce escort tugs, a business could decide at any time to do away with one or both tugs. Prince William Sound is a beautiful place and another Exxon Valdez cannot be allowed to happen again, he said. The union supports HJR 19.

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PATIENCE ANDERSON-FAULKNER, President, Prince William Sound Regional Citizens' Advisory Council, explained that the Prince William Sound RCAC represents 18 different communities or organizations in the oiled area. She said the RCAC supports HJR 19 because it is important to prevent another oil spill in Prince William Sound or any other place. She referenced the RCAC's list of near misses and further pointed out that everything in Prince William Sound is rocks, unlike sandy-bottomed Cook Inlet where the Seabulk Pride went aground. Double-hulled tankers are wonderful, she said, but they do not make the test for Prince William Sound.

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STAN JONES, Director of External Affairs, Prince William Sound Regional Citizens' Advisory Council, related that in its August 1989 report to the U.S. Congress about the spill, the U.S. Coast Guard stated that an 11.5 foot double hull on the Exxon Valdez would have reduced the spill by 25-60 percent. A 60 percent reduction of 11 million gallons is 4.4 million gallons. So, even with a double-hulled tanker there would have still been a giant spill, he said, and this is why the RCAC is arguing so passionately that a two-tug escort is still necessary.

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JOEL KENNEDY, Project Manager, Maritime Operations Manager, Prince William Sound Regional Citizens' Advisory Council, offered support for HJR 19 on behalf of the RCAC's staff. The mission of the RCAC is to promote environmentally safe operation of the Valdez Marine Terminal and associated tankers, he said. The RCAC's work is guided by OPA 1990 and a contract with Alyeska Pipeline Service Company. The RCAC represents the communities in the regions affected by the 1989 Exxon Valdez oil spill, as well as commercial fishermen, aquaculture, Native, recreation, tourism, and environmental groups.

MR. KENNEDY said the RCAC believes it is important for the Alaska State Legislature to support the safe transportation of oil by supporting the system of dual escorts for oil tankers in Prince William Sound. This escort system safeguards against oil spills caused by navigational errors, equipment failures, severe weather, and human or organizational errors; problems which can happen at any time on any ship regardless of how many hulls it may have. Since the present system was introduced, there have been no major oil spills in Prince William Sound and potential accidents were reduced to near misses. He warned that the current system could be reduced or eliminated by the oil industry once federal requirements expire with conversion of the Prince William Sound fleet to all double-hulled tankers in the next couple of years. Preserving the current practice of a two-tug escort for each laden oil tanker through Prince William Sound is of paramount importance to the board of directors of the Prince William Sound RCAC.

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JOHN FRENCH, Ph.D., Prince William Sound Regional Citizen's Advisory Council, stated that he represents the City of Seward on the RCAC and his concerns mirror those of the others who have testified. He explained that under OPA 1990 and the Alaska Oil Spill Prevention and Contingency Plan, unladen tankers coming into Prince William Sound do not have to be escorted, although tugs help them dock. Under the state contingency plan, laden tankers must be escorted by two tugs regardless of whether the tanker is single or double hulled, but OPA 1990 does not require doubled-hulled tankers to be escorted.

DR. FRENCH noted that his doctorate is in biological chemistry and he has over 30 years experience in environmental toxicology.

He chairs the Prince William Sound RCAC's Oil Spill Prevention and Response Committee, thus he works very closely with the industry and state and federal regulators in developing these plans. Under its OPA 1990 mandate and in practice, the Prince William Sound RCAC serves as a go-between. The industry and state and federal agencies sit ex-officio on the RCAC's board, he explained, although the industry is not really ex-officio because representatives are always present at the board meetings and welcome to speak. The RCAC helps to minimize complacency and maximize cooperation in trying to prevent another oil spill.

DR. FRENCH stated that the escort system is the main line for preventing oil from getting into the water. The best way to prevent the adverse effects of an oil spill is to prevent the oil from getting into the water in the first place. He agreed that double hulls are better than single hulls, but warned that casualties can still happen. There were a number of reasons for the 1989 reduction in response capability, economics being a main reason, he said. Even with the current improved response system, less than half of an oil spill could be picked up even under the best of conditions. A spill would be a repeat of the same ecological catastrophe that happened with the Exxon Valdez spill, he stressed. Thus, prevention capabilities must be maximized and the twin escort for all laden tankers is a major aspect of that. He said he hopes this will be codified.

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JERRY MCCUNE, Representative, United Fishermen of Alaska, noted that he is president of Cordova District Fishermen United and was also president at the time of the oil spill. Prevention is the key, he emphasized. He directed attention to the aforementioned photograph to explain that the tethered tug can tow the tanker while the other tug carries a boom and two vessels that can be launched to assist with the boom. Should the tanker lose power, the second tug can help the tethered tug maneuver the tanker, quite a task in windy weather.

MR. MCCUNE recalled an incident prior to the 1989 spill when the tanker, Prince William Sound, lost power and there was no tug in all of Alaska to tow it. Everyone held their breath during the six hours it took to get that vessel repowered, at which time the tanker was only one hour away from grounding. Fishermen would have some peace of mind if there are two tugs escorting oil tankers because each tug serves a different purpose. When things go wrong, he said speaking from experience, it is usually operator error, not the boat.

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REPRESENTATIVE TUCK asked what happens when two tugs are not available to escort a laden oil tanker.

LARRY DIETRICK, Director, Division of Spill Prevention & Response, Department of Environmental Conservation, described the escorting scenario: When the tanker leaves Valdez there is a primary and secondary escort. The tanker is tethered beginning at the dock and on out to Buoy 9, at which point the tether is discontinued. The two escorts continue on with the tanker as far as "the bend" in the shipping lane. From the bend on out to Hinchinbrook Entrance, the first escort can be dropped, but the second escort must remain in close proximity in what is known as sentinel mode. At the start of Hinchinbrook Passage the tanker must go back to two escorts. When the tanker exits the passage at Seal Rock, one of the escorts can drop off and the other must remain in sentinel mode until the laden vessel is 17 miles out, at which point it is released.

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REPRESENTATIVE TUCK inquired which of the two tugs would stay all the way with the tanker.

MR. DIETRICK explained that the tug tethered to the tanker is called an enhanced tractor tug. It has a Voith Schneider Propulsion System and is a 10,000 horsepower vessel. The tug has a skag so that when it pulls alongside the stern of the tanker it can control the tanker's direction. Given its unique propulsion system, this tug is a purpose-specific vessel. The second tug is called a prevention response tug. It has a Z-drive, so the units are underneath with propellers that can rotate 360 degrees; thus, it is designed for a different purpose and carries the response and deployment equipment. In addition to these two tugs, he continued, the system includes a 200-foot utility tug and five conventional tugs. Generally speaking, the prevention response and enhanced tractor tugs are the primary tugs and one or the other of those will accompany a laden vessel all the way out; usually it is two, but the shippers do have some flexibility in how to configure their operations because vessels do have to go off-line for maintenance.

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CO-CHAIR JOHNSON said the question is not whether there is any tug at all, but whether it is one or two and HJR 19 says that there will be two. Could the enhanced tractor tug not also carry the response equipment and thereby serve the purpose of the two tugs, he asked.

MR. DIETRICK answered as follows:

Perhaps. The system gets complex because the tugs are also used as part of the response capability, so to some extent they have a dual service.... The details of this are worked out when the plan is reviewed. Alaska passed in their contingency plan, though, what we call a scenario-based response planning. So the response planning standard that was set back in House Bill 567 back in 1990 requires ... that they have the capability to contain, control, and remove 300,000 barrels in 72 hours. That was the standard that was passed. They have to demonstrate to the department that they have that capability when they submit their plan for review and approval. Tugs are a necessary component of being able to meet that response planning standard. For example, there are two transrec barges that are full-time, floating on water, response capability in addition to these escort vessels that are pre-positioned in Prince William Sound. Two of these are usually positioned at Naked Island in the winter and in the summer they are split off, usually between Naked and Hinchinbrook. So tugs are also a critical component of moving these barges. So the escort system, these tug combinations that you see, are also integral part of the response capability and ability to pull these response barges, which have the big-time-scale cleanup capability, out to the vessel and immediately initiate cleanup. So, to answer your question, yes, two are necessary the way the current system is currently configured and that is what is approved in the plan right now. And it is both a combination of providing escort services and being able to have sentinel capability and be able to get the response barges out to the vessel, as well as immediately deploy equipment or boom around the vessel.

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CO-CHAIR JOHNSON inquired as to what the required distance is for the sentinel tug and what kind of risk assessments have been done to determine the number of tugs that are necessary.

MR. DIETRICK replied that close proximity to the vessel for the two escort tugs is usually one-quarter mile. In regard to how many tugs are needed, he explained that the state contingency plan is reviewed and approved every five years. The current configuration was formally reviewed during the last renewal in 2007; thus this plan is in place until 2012. The plan renewals for the Prince William Sound system are extensive, he continued. The Prince William Sound RCAC hires a number of independent, outside contractors in addition to the Department of Environmental Conservation's review, and there is a formal group called the Response Planning Group. The review for renewal of all the details of this system takes more than a year. In addition, there are activity drills and inspections that occur throughout the five-year window.

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CO-CHAIR JOHNSON understood this to mean that the current two-tug system will remain in place until 2012.

MR. DIETRICK responded correct. This is what is currently in the approved plan and it cannot be changed without a formal amendment to the plan.

CO-CHAIR JOHNSON surmised that the purpose of HJR 19 coming at this time is to plan for something that is three years from now.

MR. DIETRICK offered to defer to the sponsor, but said he believes that what is being addressed is the federal requirement for escort vessels that is linked to a single hull. The tanker fleet for the Trans-Alaska Pipeline System (TAPS) is in the process of being converted to all double hulls. The two remaining single-hulled ships will be replaced soon and once this happens the federal requirement will no longer be applicable since it only applies to single hulls.

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CO-CHAIR JOHNSON presumed that the 2012 date is irrelevant because the plan will go away with the double-hulled tankers.

MR. DIETRICK answered correct. However, the current configuration of escort vessels and response capability has been

formally approved in the state contingency plan and that is binding until 2012 when it is up for renewal. In further response to Co-Chair Johnson, he agreed that a two-tug escort will be required until 2012 regardless of whether the tanker has a single or double hull, notwithstanding any amendments that might be proposed because the applicants can amend their plans.

CO-CHAIR JOHNSON asked how the plan gets approved, given that it does not go through the legislature.

MR. DIETRICK reiterated that the plan is approved on a five-year renewal cycle. State regulations detail what must be done and there is public notice and involvement, he explained. The review is detailed, and each year a different aspect of the plan is reviewed. The review looks at the improvements, mishaps, drills, and experience from the preceding five years so adjustments can be made to the plan. Modifications to the plan are submitted to the state by the shippers. The state formally goes through the review process, then renders a decision to: review and approve, approve with conditions, or deny. In further response to Co-Chair Johnson, Mr. Dietrick said this renewal process usually takes about one year.

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REPRESENTATIVE TUCK inquired how the plan is enforced.

MR. DIETRICK said DEC staff in Valdez conduct monitoring and oversight work, and major drills are conducted every year. The Prince William Sound RCAC also conducts oversight activities, as does the U.S. Coast Guard District 17 Office in Valdez.

CO-CHAIR JOHNSON asked when the fleet will be fully converted to double hulls so that the current system would go away.

MR. DIETRICK said the federal schedule provides that the conversion to double hulls is based on the date the ship was built, so the conversion is vessel specific. The deadline by which all ships in the U.S. must be converted is 2015. Two vessels in the Prince William Sound TAPS trade have yet to be converted. In further response to Co-Chair Johnson, Mr. Dietrick offered to provide members with the conversion dates for the ships currently in the TAPS trade. However, he added, the shippers have some flexibility in meeting timelines because they can move in an older or newer ship and thereby adjust the date to accommodate their business needs.

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REPRESENTATIVE SEATON understood that the federal requirement will go away if the shippers decide to use the single-hulled vessels elsewhere in the world or remove them from service.

MR. DIETRICK replied correct, the federal requirement is linked to the single hull.

REPRESENTATIVE SEATON surmised that the shippers could remove the two single-hulled tankers from Prince William Sound service at any time so that the remaining fleet is all double hulled, and at which point the federal requirement would be removed.

MR. DIETRICK responded that there is now a dedicated fleet to the TAPS trade for two of the shippers. Those vessels are permanently in service and were designed specifically for the TAPS trade, he explained, so it is unlikely those vessels would ever be traded out. One shipper has not made the complete conversion yet and it is only in this scenario where there is some ability to substitute one vessel for another.

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REPRESENTATIVE SEATON commented that because production is declining, ships might be taken out of service. If it is the single-hulled ships that are taken out of service, then the federal requirement would go away because now the entire trade would be double hulled. This is the rub, he said.

MR. DIETRICK answered correct.

CO-CHAIR JOHNSON said this answers his question because now he understands that the timing could be any day.

MR. FRENCH added further information about the two escort tugs. He said the tethering tug has a Voith Schneider drive which is very good for directional pulling, so it maneuvers the heavy, laden tanker by pulling on the tether. The prevention and response tug (PRT) is better designed for directional pushing. The Z drives can rotate 360 degrees, so the PRT can come up alongside the tanker and readily push it in any direction, something that the tethered tug cannot do. Thus, the tugs have two very different roles: the tethered tug can act to slow the tanker down and the prevention and response tug can act to give the tanker a directional push to avoid a major hazard. He also pointed out that Buoy 9, where the tanker is released from the

tethered tug, is a rock that is closer to the vessel traffic system than is Bligh Reef.

CO-CHAIR JOHNSON closed public testimony.

[2:14:56 PM](#)

REPRESENTATIVE SEATON disclosed that he and his vessels participated in the oil spill cleanup and he hopes Alaska never has to do that again. He said the tug system acts as the eyes during instances where there is communication failure and near collision during fog. The tugs also provide assistance during instances of power loss and gyrocompass or steering failure. All of these types of instances are included on the Prince William Sound RCAC's list of incidents, he noted.

CO-CHAIR JOHNSON stated that even though this is just a resolution, he is concerned a signal is being sent that regardless of what technological advances are made two tugs are better than one, and maybe this is true. However, he added, it is critical to the existence of Alaskans that everything possible be done to never have another Exxon Valdez oil spill.

REPRESENTATIVE SEATON moved to report HJR 19 out of committee with individual recommendations and attached zero fiscal note. There being no objection, HJR 19 was reported out of the House Resources Standing Committee.

[2:17:25 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:17 p.m.