

SENATE JOINT RESOLUTION NO. 11 am

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS KIEHL, Tobin, Olson, Dunbar, Giessel, Merrick, Bishop, Claman, Kaufman, Kawasaki, Stevens

Amended: 4/28/23

Offered: 3/24/23

A RESOLUTION

1 **Recognizing the Don Young Coast Guard Authorization Act of 2022 and the importance**
2 **of certain provisions intended to enhance oil spill response capabilities in Western**
3 **Alaska and the United States Arctic to promote improved safety in shipping commerce,**
4 **protection of communities in the state, and the health of critical marine resources;**
5 **urging the United States Coast Guard to consider the unique challenges of the state**
6 **when developing oil spill response requirements for Western Alaska and the United**
7 **States Arctic; and urging the deployment of individualized oil spill response resources**
8 **for the state that use modern technologies to track the operation of large vessels in the**
9 **region and local service providers with knowledge of the region and local wildlife.**

10 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

11 **WHEREAS** Western Alaska and the United States Arctic are home to a wide variety
12 of marine resources, including marine mammals and pelagic and anadromous fish species,
13 that are of critical importance to the region, state, and nation; and

1 **WHEREAS** the Aleutian Island archipelago is part of the Great Circle Route, where
2 several thousand ocean-going vessels transit each year; and

3 **WHEREAS** remote communities in the state rely on the delivery of bulk fuel from
4 barges and tank vessels to generate energy for industries, operate fishing vessels, and power
5 communities; and

6 **WHEREAS** oil spills in Western Alaska and the United States Arctic pose a risk to
7 the health and safety of communities because the effects of oil spills in those regions often
8 harm local residents' opportunities to harvest important subsistence and cultural resources in
9 their communities; and

10 **WHEREAS** the challenges to vessels operating in Western Alaska and the United
11 States Arctic include harsh environmental conditions, extreme distances, and lack of
12 infrastructure; and

13 **WHEREAS** these challenges require specialized and unique planning and response
14 resources that are tailored to respond to oil spills from vessels and that are not subject to being
15 diverted for other regulatory purposes; and

16 **WHEREAS** the Oil Pollution Act of 1990 was adopted by the United States Congress
17 after the 1989 Exxon Valdez oil spill in Prince William Sound to enhance oil spill response
18 capabilities by requiring certain vessel operators to have oil spill response resources; and

19 **WHEREAS** the requirements of the Oil Pollution Act of 1990 were later expanded to
20 apply to more vessels, resulting in the provision of oil spill response resources to areas of the
21 continental United States where large ports and infrastructure were already in place to provide
22 personnel, equipment, and logistical support; and

23 **WHEREAS** the Western Alaska and United States Arctic region is expansive, with
24 limited infrastructure and frequently extreme operating conditions that present unique
25 challenges to the provision of oil spill response resources, which is not an issue in the large
26 port areas in the continental United States; and

27 **WHEREAS** the United States Coast Guard has previously attempted to adapt the oil
28 spill response requirements of the Oil Pollution Act of 1990 to meet the unique needs of
29 Western Alaska and the United States Arctic, resulting in inconsistent policies and
30 enforcement because the oil spill regulations of the Oil Pollution Act of 1990, referred to as
31 national planning criteria, are inappropriate for application in Western Alaska and the United

1 States Arctic; and

2 **WHEREAS** the United States Congress has recognized that the important regional
3 and national resources in Western Alaska and the United States Arctic require oil spill
4 response requirements tailored to address the unique attributes and economic challenges in
5 Western Alaska and the United States Arctic that are different than, but at least as effective as,
6 national planning criteria used for the continental United States; and

7 **WHEREAS** the Don Young Coast Guard Authorization Act of 2022 requires the
8 United States Coast Guard to work with industry leaders, regional stakeholders, tribes, and the
9 state to adopt regulations to address the unique oil spill response challenges of Western
10 Alaska and the United States Arctic more effectively and efficiently; and

11 **WHEREAS** potential oil spills in Western Alaska and the United States Arctic
12 threaten marine and coastal resources of vital importance to Alaskans in the region, maritime
13 industries in the area, and the economy of the state; and

14 **WHEREAS** Alaskans have pioneered prevention methodologies and new
15 technologies that incorporate local communities to address the unique challenges of oil spill
16 response in Western Alaska and the United States Arctic by implementing new approaches to
17 oil spill response in the region; and

18 **WHEREAS** an oil spill prevented is an oil spill that does not need to be cleaned up;
19 and

20 **WHEREAS** having equipment and resources located within Western Alaska and the
21 United States Arctic region will avoid logistical delays and ensure timely responses whenever
22 necessary; and

23 **WHEREAS**, because oil spills from both small and large vessels often require the use
24 of oil spill response resources and specialized marine salvage resources concurrently, it is
25 important that oil spill response planning ensures each distinct specialty is properly prepared
26 to respond promptly to an oil spill; and

27 **WHEREAS** the use of new technologies to continuously monitor vessels in Western
28 Alaska and the United States Arctic has allowed some state-based companies to alert
29 responders early of a potential marine casualty, so that local vessel operators who know the
30 region can respond promptly with appropriate equipment and outreach to community
31 residents to participate in prevention and initial response operations; and

1 **WHEREAS** the state, the maritime industry, oil spill removal organizations, and local
2 communities should be actively involved in the adoption and implementation of new oil spill
3 response requirements in the Don Young Coast Guard Authorization Act of 2022 across
4 Western Alaska and the United States Arctic to ensure fair, equal, and consistent application
5 of standards; and

6 **WHEREAS** the intent of the United States Congress, through the Don Young Coast
7 Guard Authorization Act of 2022 and the Western Alaska oil spill planning criteria, is to
8 adopt and implement oil spill response requirements that meet the unique needs of the state's
9 interests in Western Alaska and the United States Arctic; and

10 **WHEREAS**, by actively participating in the development and implementation of oil
11 spill response requirements, the state can protect the interests of the residents and maritime
12 industries of Western Alaska and the United States Arctic and advance environmental
13 protection for the benefit of the residents of the state; and

14 **WHEREAS** the Don Young Coast Guard Authorization Act of 2022 excludes vessels
15 operating in Cook Inlet and tank vessels operating in Prince William Sound from the new oil
16 spill response requirements because Cook Inlet and Prince William Sound already meet
17 national planning criteria;

18 **BE IT RESOLVED** that the Alaska State Legislature requests that the oil spill
19 response regulations for Western Alaska and the United States Arctic under the Don Young
20 Coast Guard Authorization Act of 2022 include the use of modern technologies to
21 continuously monitor and track the operation of large vessels, 24 hours a day and seven days a
22 week, and the use of regional response equipment hubs located throughout the state that
23 leverage the resources of local communities and vessel operators to support rapid response to
24 marine casualties throughout the region in the shortest time possible; and be it

25 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
26 Coast Guard to adhere to the underlying purpose of the Oil Pollution Act of 1990 by avoiding
27 the comingling of oil spill response compliance requirements with other compliance
28 requirements, maintaining uniform standards across the entire Western Alaska and the Prince
29 William Sound Captain of the Port Zones and not creating new subzones within those areas,
30 and minimizing the use of cascading equipment from outside the state; and be it

31 **FURTHER RESOLVED** that the Alaska State Legislature requests that the oil spill

1 response regulations for Western Alaska and the United States Arctic under the Don Young
2 Coast Guard Authorization Act of 2022 include use of local service providers with expertise
3 in the capture, care, and rehabilitation of wildlife that is of critical importance to the
4 communities of the region; and be it

5 **FURTHER RESOLVED** that the Alaska State Legislature supports the efforts of
6 tribes, municipalities, and organizations in the state, along with the executive branch, to
7 participate actively with and contribute important local knowledge and expertise to the United
8 States Coast Guard in its efforts to adopt and implement oil spill response requirements that
9 address and meet the unique needs of the state's interests in Western Alaska and the United
10 States Arctic as set out herein.

11 **COPIES** of this resolution shall be sent to Admiral Linda L. Fagan, Commandant,
12 U.S. Coast Guard; Vice Admiral Andrew J. Tiongson, Commander, U.S. Coast Guard Pacific
13 Area; Rear Admiral Nathan A. Moore, Commander, U.S. Seventeenth Coast Guard District;
14 the Honorable Mike Dunleavy, Governor of Alaska; the Honorable Nancy Dahlstrom,
15 Lieutenant Governor of Alaska; the Honorable Jason Brune, Commissioner, Department of
16 Environmental Conservation; and the Honorable Lisa Murkowski and the Honorable Dan
17 Sullivan, U.S. Senators, and the Honorable Mary Peltola, U.S. Representative, members of
18 the Alaska delegation in Congress.