

SB 405

SB 406

Change Draft

MEMORANDUM

State of Alaska

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

TO: The Files

DATE: January 26, 1976

FILE NO:

TELEPHONE NO:

FROM: Ernst W. Mueller
Commissioner

SUBJECT: Comments on Draft SSSB 406

Mr. Stuart C. Hall, Senior Legislative Counsel for the Legislative Affairs Agency, who has accomplished most of the draft work on SSSB 406, has pointed out several areas which need to be resolved before this bill can be introduced.

Of prime concern to Mr. Hall is the deletion from the bill of additional training and/or experience requirements for pilots of oil tankers, and requirements for State pilots on applicable vessels entering the State's waters. In addition, Mr. Hall feels that the Department of Environmental Conservation does not have the in-house expertise to administer Article 1 of the bill, which would establish regulatory power over traffic movements, requirements of tug escorts, and standard safety features of vessels. Mr. Hall also feels that by placing the authority for Article 1 in this Department, we would encounter serious conflicts with the existing Board of Marine Pilots.

To evaluate these objectives, I have reviewed the functions and operation of the Board of Marine Pilots, and the applicable statutes and regulations under which the Board operates. Presently, the Board sets standards for marine pilots, examines and certifies them, sets pilotage fees and establishes those areas of Alaska's waters upon which pilots are required. The Board has no actual staff, other than clerical assistance provided by the Department of Commerce and Economic Development, and must rely upon the expertise of the Board members themselves in developing regulations.

Further, the State has no additional water-transportation related regulatory authority, other than that residing in the public utility regulation power of the Alaska Transportation Commission or police powers residing in the Department of Public Safety. While it is not the purpose of this proposed legislation to establish a general water transportation regulation and policing authority, the fact that such an authority does not presently exist makes the designation of an implementing agency for Article 1 of the bill difficult. I would, therefore, suggest that the authority for implementing this section reside within the Department of Environmental Conservation, and, in addition, that proposed 30.25.060(7) be removed from Article 2 and added to Section 30.20.050. In this manner, if a comprehensive water traffic regulatory authority is established in, for example,

the proposed Department of Transportation, a simple executive order or revisor of statutes change would transfer this authority to the appropriate agency.

Mr. Hall further requests suggestions on the Enforcement Section; I recommend the following:

"Sec. 30.20.060. Enforcement, Penalties. a) This chapter and the regulations promulgated under it may be enforced by a peace officer of the State or an employee of the State authorized by the Commissioner of the department.

"b) A master, operator, owner or carrier of a vessel who violates a provision of this chapter, or a regulation promulgated under it is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$1,000 nor more than \$25,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. Each day upon which a violation occurs may be considered a separate and additional offense."

Articles 2ff of the bill would establish significant additional oil pollution control authority. As I mentioned in previous correspondence regarding this legislation, that authority currently resides in the Department of Environmental Conservation and should remain there. The only clear line between Article 1 and the other Articles of the bill, other than the obvious one of regulation of a particular industry, is the tanker safety standards requirement. Inasmuch as the standards are specified by law, and the authority to require additional standards by regulation is not empowered to the executive branch, there would be little conflict involved in two agencies administering the bill if it became law.

The tanker standards themselves being mandated by law present several problems. First among these is the removal of flexibility to meet rapidly changing technology and realization of environmental and safety needs. While I recognize the strength of legislating such standards, this may be outweighed through the loss of this flexibility. Further, to my knowledge, no tanker is presently scheduled for the Alaskan trade which has all of these features, although many have one or more. The new Chevron Shipping tankers which may be assigned to the Cook Inlet and coastal product trade will meet most of the standards, but will not have flue gas inerting systems. If the Legislature persists in specifying the features, I suggest several wording changes:

Sec. 30.20.030

- (1) Cargo hold [flue gas] atmosphere inerting systems.
- (5) Loran-C [LONG-RANGE] navigational system receivers and other [NAVIGATIONAL] position location systems as may be prescribed from time to time by the department by regulation.
- (6) Redundant [DOUBLE] boilers on an auxiliary propulsion power source.
- (7) Radar controlled collision avoidance working systems.
- (8) Two radars in working order and operating, of types specified by regulation issued by the department.

Specific recommendations for Article 2ff.

1. Sec. 30.25.020: Suggest any be replaced by the, and that an additional phrase be added: following the word prohibited.
"..., except as provided in AS 46.03.740."
2. I agree with Mr. Hall's comment that the requirements for spill prevention, control and countermeasure planning are adequately addressed in the bill, and I stand corrected in my previous comment.
3. Sec. 30.25.040 g should read:
"...supplied under (e) and (f) of this section...."
4. Sec. 30.25.040 g (1) should read:
"...is sought that is engaged in...."
and the final sentence should be divided to read:
"Vessel's seaworthiness. The department may in addition require...."
5. Sec. 30.25.040 g (2). Suggest "this state" be replaced by "the state" in both instances.
6. Sec. 30.25.040 (i). Suggest the phrase "...at least every six months...." be deleted.

7. Sec. 30.25.050. Suggest wording: "... the marine, estuarine and...."
"... at a limited capacity facility,...."
"...less than 500 barrels of oil, petroleum products or by-products...."
8. Sec. 30.25.060 (7). Suggest this section be transferred to 30.20.050.
9. Sec. 30.25.090. "Commission" should be replaced by "department" in three instances. Suggest wording: "...enter into contracts for that purpose not withstanding the provisions of AS 37.05.220-280."
10. Sec. 30.25.100. Suggest wording: "...this chapter and Cn 46.03 are...."
11. Article 5. Enforcement, Penalties. I suggest that the enforcement provisions of SB 267 be incorporated into the legislation. Assistant Attorney General Jon Tillinghast should be contacted on this matter; he has a copy of the draft SSSB 406.
12. Sec. 30.25.230. Suggest wording: "... into the causes, effects, prevention, and removal of pollution...."
13. Sec. 30.25.040. Suggest wording: "Third party damage claims by any single person shall be...."
14. Sec. 30.25.250 (6). Suggest wording: "...after the department receives notice that the claimant, the department and the person causing the discharge cannot agree as to the amount of the damage claim."

Delete "...receives notice of claims....of this chapter."
15. Sec. 30.25.270 (1), replace "commission" by "department."
16. Sec. 30.25.280. Delete "(1) and (2)"
17. Sec. 30.25.350. Replace "commission" by "department."
18. Sec. 30.25.380 (5). Suggest wording: "...to any state or foreign nation and those commonly known as...."
19. Sec. 30.25.380 (14). Suggest that "this state" be replaced by "the state."

20. Sec. 46.03.750 (d), 760, 770, 780 (a), 790 (a) revisions. Suggest that wording of SB 267 be incorporated, where possible. Again, I suggest consultation with Jon Tillinghast.

cc: Ms. Fran Ulmer
Mr. Mike Whitehead
Commissioner Walter Parker

M E M O R A N D U M

TO: Senator Chancy Croft
FROM: ~~Tom Biss~~
RE: Tanker Trip
DATE: January 15, 1976

On January 4, 1976, I boarded the ARCO tanker PRUDHOE BAY, a 70,000 DWT crude oil tanker built in 1971 to transport crude oil from ARCO's oil platform at Drift River to points south.

This tanker is ARCO's pride and joy. I gathered this from the crews comments and from the assumption that ARCO would not allow me to board anything less. The reason for the trip was to determine how many of the safety features we require in SB 405-406 were already in use and how the lack of these features affected the handling of the vessel.

I have already described to you my rather traumatic adventure boarding the PRUDHOE BAY from Senator Tillion's pilot boat. Once aboard, the pilot took me to the bridge where I was introduced to the Captain of the vessel and the mates on shift.

Having read about these vessels and having seen pictures of them did not prepare me for its physical size - 832 ft. long, 200 ft. wide, drawing 40 ft. of water. This ship is gigantic and still it is less than one-third the size of six ships now scheduled for the Valdez run.

Everyone associated with the PRUDHOE BAY was courteous and gracious. They were also fanatics about tankers and believe ARCO's are the best in the world.

During the ten hours I was on board, I had the opportunity to observe the operation. The crew was professional and efficient. Each of the 28 crew members knew his job exactly and knew what the ship was doing. They also seemed to know each others duties - double and triple-checked each chore. The ship confronted no unusual weather or icing conditions. There were no mishaps. Iceburgs enroute to Drift River from Homer were frequent, often being ice flows, but had little or no effect on the handling of the ship.

According to the pilot, ice is the most serious hazard confronting a tanker on this particular route. The pilot is able to track the direction and thickness of the ice flow on the radar screen. The PRUDHOE BAY was equipped with one radar. We require two. If the one had broken down.....

During loading at the platform a change in tide often jams ice between the platform and the ship, sometimes causing all the tie-down ropes (14) to snap and the ship to be forced away from the platform. Tanker and platform personnel state that they can shut off the flow of oil and

unhook the loading arms in three minutes without spilling any oil. I asked how much time they generally have to accomplish this task and was told that "most" ships, upon observation of an oncoming ice flow, will stop loading or cut loading back to 50%. If the ice becomes a problem, they untie and leave the platform. When I asked the least amount of time they have been given, a platform worker said "less than 30 seconds". The oil left in the loading arm spilled onto the deck of the tanker. All said that no oil had ever reached the water.

I found the docking of the ship at the platform interesting. I wanted very much to see how this was going to be accomplished because it has not been fitted with lateral thrusters and did not have twin screws. The pilot did it by heading the ship into the oncoming tide and using the current to maneuver the bow of the ship closer to the platform. The procedure took about one hour - not counting the two hours of extra time spent waiting for the tide to reach its peak flow. Statements by platform and ship crew indicated this landing was a fast one and that many times landing can take as much as six hours to complete, depending on wind tides and icing conditions.

The Captain said the ship was fitted with segregated ballast tanks and he went into a lengthy explanation describing how a system like that worked. He was very proud of the one on his ship. Unfortunately, the ship required more ballast during winter weather than could be carried in the two ballast tanks so he also had one cargo tank full. He explained how the contaminated water in this tank was piped on shore to a holding tank where it was processed. He said that the processed water, when returned to the ocean, was cleaner than when taken out. Later that day in the Kenai airport bar, I talked with some fishermen. They claimed that frequent large slicks of sludge originated from the onshore tanks.

The PRUDHOE BAY is not equipped with an inert gas system - something we require to prevent the vessel from blowing up, and also for the added protection of the crew when they are required to enter a tank for maintenance or cleaning. Ice blocking a valve or pipeline and preventing the loading of the tank is the main reason crew would enter a tank in the winter. Although nothing happened the day that I was there, one week before a Tesoro tanker had an icing problem with a valve inside a cargo tank. As you remember, these tanks when not cleaned, trap gases emanating from cargo clingage on the tank walls. The Tesoro tanker did not have an inert gas system and the crew member sent to clear the valve was required to wear a clean air breathing device. A mate was stationed on deck to watch him in case a problem arose. The Captain of the vessel wanted to get a first hand look at the progress of the crew member and decided to enter the tank for a better view. He did not put a breathing device on although it was offered to him by the mate on watch. The Captain was immediately overcome by fumes and collapsed. The mate saw him drop and entered the tank to get him out. The mate was also overcome by fumes and he dropped. The crewman, seeing what had happened, attempted

Memorandum
January 15, 1976
Page -3-

to revive the Captain by putting his personal breathing device on the Captain. The crewman was also overcome. All three men died. Total elapsed time - less than four minutes.

The PRUDHOE BAY did have two power sources as required by your bill. It did not have a double bottom. It did have a docking collision avoidance system which was demonstrated but not used.

The crew of the PRUDHOE BAY was convinced their company had taken every reasonable precaution for the safety of themselves, their ship, and the environment.

M E M O R A N D U M

TO: Senator Chancy Croft

FROM: Tom Biss

RE: SB 405-406

DATE: January 16, 1976

On January 14, I talked to Mr. Virgil Keith of the Engineering Computer Optomoptics, Inc. concerning the added cost of including the nine safety features in the super tankers that we propose in SB 405-406. Mr. Keith stated that to include our safety features while building the ship would add five percent to the total cost. To retrofit the features, excluding double hulls, would cost eight to ten percent onto the cost of the ship.

DATE: February 11, 1976

MEMORANDUM

TO: Senator Chancy Croft

FROM: Tom Biss

On February 11 I called Virgil Keith per your request and asked him for a description of the various tankers that have been designated for the TAPS run.

Virgil listed by company each ship that was described to him on January 15 in San Diego. None of the tankers designated for the TAPS run will meet all of the maneuverability requirements - back power, controllable pitch propellers or lateral thrusts - set forth in our bill.

SHELL OIL COMPANY will have two tankers of 188,000 DWT. These tankers will include double bottom, inert gas system, LORAN-C receivers and a segregated ballast system.

ARCO will have two tankers identical to the Shell Oil Company tankers. In addition ARCO will have three 120,000 DWT ships. None of these three ships will meet the requirements set forth in SB 406. They will be retro-fitted with a LORAN-C receivers.

MOBILE OIL COMPANY will have one 130,000 DWT ship. This ship has a segregated ballast system, inert gas system and a LORAN-C receiver. It will not have a double bottom.

SOHIO will have two 80,000 DWT ships that will be retro-fitted with LORAN-C receivers, but will have none of the other safety requirements. They will have three 120,000 DWT ships which are presently being built in the Sun shipyard in Chester, Penn. These three ships will meet or exceed all of the requirements set forth in our bill (except maneuverability characteristic). Specifically, these three ships will have double hulls..

In addition, SOHIO will have six 165,000 DWT ships that will have segregated ballast systems and LORAN-C receivers but will fail to meet the rest of the safety requirements.

EXXON will have two 70,000 DWT ships which were built in 1965. These two ships will only have LORAN-C receivers and must be retro-fitted for that feature. EXXON has three 76,000 DWT ships built in 1969, with the same characteristics as the other two. The most significant characteristic lacking in the EXXON ships is that they have no segregated ballast systems whatsoever.

Memorandum to Chancy Croft
From: Tom Biss
Page -2-

February 11, 1976

CHEVRON will have three 70,000 DWT ships that again will be retro-fitted with the LORAN-C receivers.

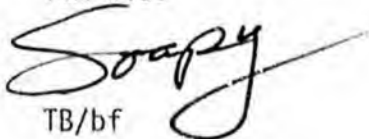
In addition, the NASSCO, a ship building yard in San Diego, is building six 90,000 DWT ships complete with double bottoms to be finished this year. These ships have not been committed to the TAPS run. This same shipyard built four 90,000 SWT ships with double bottoms last year and by 1977 will have built 15. None of these ships has been committed to the TAPS run.

CHEVRON has had six 35,000 DWT ships built by the FMC Corporation in Portland, Oregon. These ships have double hulls and have been designated to run to the Standard Oil Company refinery in Kenai. These ships have lateral thrusters and controllable pitch props. They were the first tankers built by this particular company which has specialized in building barges. These ships are probably the most advanced, ecologically sound tankers available in the world today. They are designated to begin the run into Kenai this spring, probably as soon as this month. An interesting comment about these particular ships is that they cost 17 million dollars apiece, including all of the safety characteristics that I have listed. Two other 35,000 DWT ships built by another shipyard in the U. S. but without the safety features required, cost 19 million dollars apiece.

Virgil Keith will be testifying at the Coast Guard hearings in Anchorage on February 24 concerning the Valdez vessel traffic control system. Virgil has stated that he feels it would be beneficial to him if I were to attend these particular hearings in Anchorage. If you feel that my presence in Anchorage would be beneficial, I will make a tremendous sacrifice and do your bidding. As you know, I would never even contemplate a journey like this were I not convinced that you are going to be the Governor of Alaska three years hence.

As a final note, Virgil has stated that the ships the companies listed in San Diego varies from the list they present when they go to Washington, D. C. Virgil stated that for some reason that he can't quite understand the companies love to juggle the ships depending upon the audience to whom they are speaking. So this list may or may not be accurate.

Tom Biss


TB/bf

MEMORANDUM

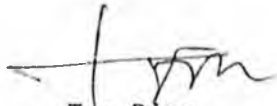
TO: Senator Chancy Croft

FROM: Tom Biss, Administrative Assistant
Senate Democratic Caucus

DATE: January 28, 1976

I talked to Virgil Keith and Joe Porricelli of ECO, Inc. in Maryland concerning the added cost of the safety features included in S.B. 406. They said that there will be approximately thirty tankers used in the Valdez - Los Angeles run. The tanker presently costs \$70,000,000. each and that our legislation would add between five and ten percent to the cost of each ship. Our bill would cost the oil companies between \$100,000,000. and \$200,000,000.

Brave!y,



Tom Biss
Administrative Assistant

TO: BILL MAGUIRE
FROM: STU HALL
RE: DIGEST OF SB 405 (ALASKA STATE PORT COMMISSION)

1. DECLARES AS LEGISLATIVE POLICY THE NEED FOR COMPREHENSIVE PLANNING FOR PORT FACILITIES DEVELOPMENT AND FOR EFFECTIVE, UNIFORM REGULATION OF MARINE TRAFFIC IN PORTS, HARBORS AND NAVIGABLE WATERWAYS OF STATE TO COMPLEMENT EXISTING FEDERAL LAW AND REGULATION.

2. CREATES 5-MEMBER ALASKA STATE PORT COMMISSION IN DEPT. OF COMMERCE (SHIFTS TO DEPT. OF TRANSPORTATION IF ONE IS CREATED BY LEGISLATURE) APPOINTED FOR 4-YEAR STAGGERED TERMS BY GOVERNOR, CONFIRMED BY LEGISLATURE. ESTABLISHES QUALIFICATIONS FOR COMMISSION MEMBERS; PROVIDES FOR ITS ORGANIZATION, POWERS, DUTIES; AUTHORIZES APPOINTMENT OF EXECUTIVE OFFICER. PROVIDES \$100 A DAY COMPENSATION PLUS PER DIEM AND TRAVEL EXPENSES. II

3. REQUIRES COMMISSION TO DEVELOP COMPREHENSIVE MASTER PLAN FOR PORTS, HARBORS, PORT FACILITIES DEVELOPMENT; REQUIRES COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS TO COMMISSIONER OF PUBLIC WORKS CONCERNING PORT FACILITIES GRANTS (AS 30.15) TO ENSURE CONFORMITY WITH MASTER PLAN. REQUIRES STATE PERMIT ISSUED BY COMMISSION FOR CONSTRUCTION, OPERATION OF PORT FACILITIES. PERMITS STATE CONSTRUCTION, OPERATION OF PORT/HARBOR FACILITIES. PERMITS STATE TO ESTABLISH OPERATE, MAINTAIN FOREIGN TRADE ZONE. ((MORE TO COME)). IV

LA01 0917 12.21 LA11 0027 12.21 09/22/75

TO: BILL MAGUIRE; FROM: STU HALL, RE: DIGEST OF SB 405,
CONT'D.

4. PROVIDES FOR EXCLUSIVE STATE-REGULATION, OWNERSHIP, OPERATION OF OFF SHORE DEEPWATER PORT FACILITY, AND DEFINES SAME.

5. REQUIRES COMMISSION TO ESTABLISH, PROULGATE, MAINTAIN, COMPREHENSIVE UNIFORM SYSTEM OF PILOT RULES, OTHER MARINE TRAFFIC REGULATIONS NOT IN CONFLICT WITH FEDERAL LAW OR REGULATION. ESTABLISHES SPECIAL PROVISIONS FOR TANKERS OF 40,000 DEADWEIGHT TONS OR MORE, PRESCRIBING SPECIAL SAFETY FEATURES REQUIRED OF VESSELS OF THAT SIZE THAT MAY NAVIGATE STATE'S WATERS WITHOUT TUG ESCORT; OTHERWISE TUG ESCORT REQUIRED (COMPARABLE TO BILL PASSED BY WASHINGTON STATE LEGISLATURE THIS YEAR). V

6. PROVIDES FOR PORT ADMINISTRATION, THE COMMISSION'S JURISDICTION WITH RESPECT TO MUNICIPAL PORTS, HARBORS, AND FOR ENFORCEMENT OF STATE PORT, HARBOR LAW, REGULATIONS; ESTABLISHES PENALTIES FOR VIOLATION THEREOF. VI

7. BILL INCLUDES ABANDONED & DERELICT VESSEL ACT, BUT THAT WAS ENACTED PER CH. 131, SLA 1975 (JCS LD 31, SPECKING), TO BE ADMINISTERED TEMPORARILY BY THE DIVISION OF WATERS AND HARBORS, DEPT OF PUBLIC WORKS, I.E., UNTIL THE STATE PORT COMMISSION IS ESTABLISHED. MORE TO COME ON THIS DIGEST. S.C.H.

LA01 0015 12.30 LA11 0028 12.30 09/22/75

TO: BILL MAGUIRE; FROM: STU HALL; RE: DIGEST OF SB 405,
CONCLUDED

8. CONSTITUTES STATE PORT COMMISSION AS BOARD OF MARINE PILOTS, DELETES AUTHORITY TO REGULATE PILOTAGE FEES (IN EFFECT LEAVES THAT TO NEGOTIATION BETWEEN PILOTS AND SHIPPING COMPANIES). PROVIDES FOR SPECIAL CERTIFICATION FOR MARINE PILOTS OF OIL TANKERS OVER 40,000 DEADWEIGHT TONS, REQUIRES SPECIAL TRAINING FOR THEM PRIOR TO CERTIFICATION. VII

9. REQUIRES COMMISSION TO UNDERTAKE STUDIES IN SEVERAL AREAS:
(1) SURVEY, INVENTORY OF ALL EXISTING PORT, HARBOR FACILITIES PRIOR TO DEVELOPMENT OF MASTER PLAN; (2) AS FORTHCOMING, ECONOMIC FEASIBILITY STUDY OF ESTABLISHMENT OF ADDITIONAL PORT, HARBOR FACILITIES AT LOCATIONS OTHER THAN THOSE PRESENTLY LOCATED IN STATE (INCLUDING METHODS OF FINANCING SAME); ALSO, INCLUDING FEASIBILITY OF CONSTRUCTING OFFSHORE DEEPWATER PORT FACILITIES; (3) FEASIBILITY OF STATE VESSEL REGISTRATION SYSTEM UNDER FEDERAL COAST GUARD ACT OF 1971. ETC.
S.C.H. DIGEST OF SB 405 TO FOLLOW.

LA01 0019 12.30 LA11 0029 12.33 09/22/75

TO: BILL MAGUIRE
FROM: STU HALL

RE: DIGEST OF SB 406 (CERTIFICATES OF INSURANCE--OIL TERMINAL FACILITIES, MARINE CARRIERS ENGAGED IN TRANSPORTATION OF OIL, PETROLEUM PRODUCTS AND THEIR BY-PRODUCTS).

1. DECLARES LEGISLATIVE POLICY AS TO NEED FOR REGULATION OF OIL TRANSFER FACILITIES, CARRIERS ENGAGED IN MARINE TRANSPORTATION OF OIL, PETROLEUM PRODUCTS, BY-PRODUCTS.
2. CHANGES ALASKA STATE PORT COMMISSION (SB 405) WITH ADMINISTRATION, ENFORCEMENT OF THE ACT.
3. PROHIBITS DISCHARGE OF OIL, PETROLEUM PRODUCTS, BY-PRODUCTS INTO OR UPON COASTAL, INSIDE COASTAL WATERS OF STATE (SEE ALSO AS 45.03).
4. REQUIRES CERTIFICATES OF INSURANCE TO BE OBTAINED BY OIL TRANSFER (TERMINAL) FACILITIES, MARINE CARRIERS TO OPERATE IN STATE; PROHIBITS OPERATION WITHOUT SAME. REQUIRES ANNUAL PAYMENT OF PREMIUM, AND PROVIDES PROCEDURE FOR ESTABLISHMENT OF THE PREMIUM. APPLICANTS FOR INSURANCE CERTIFICATE MUST DEMONSTRATE ABILITY TO PROVIDE NECESSARY EQUIPMENT, PERSONNEL, SUPPLIES TO PREVENT, CONTAIN, REMOVE DISCHARGES OF OIL, OTHER POLLUTANTS. SPECIFIES INFORMATION THAT MUST BE INCLUDED IN APPLICATION FOR CERTIFICATE OF INSURANCE. SETS FORTH EXEMPTIONS FROM ACT. MORE TO COME. STU.

LA01 0020 12.44 LA11 0030 12.44 09/22/75

TO: BILL MAGUIRE; FROM: STU HALL; RE: DIGEST OF SB 406,
CONCLUDED:

5. PRESCRIBES PROCEDURES FOR OIL SPILL EMERGENCIES, REQUIRES REMOVAL OF PROHIBITED DISCHARGES, PROVIDES FOR ENFORCEMENT AND PENALTIES--PENALTIES TIED INTO EXISTING STATE WATER POLLUTION CONTROL ACT (AS 45.03).
 6. ESTABLISHES COASTAL PROTECTION INSURANCE FUND INTO WHICH ALL INSURANCE PREMIUMS SHALL BE DEPOSITED. PROVIDES THAT COST OF OIL SPILL CLEAN-UP BE CHARGED TO THAT FUND. PROVIDES FOR THE AWARD OF DAMAGES TO CLAIMANTS AGAINST THE FUND FOR THOSE SUFFERING LOSS AS A RESULT OF OIL SPILL, PROVIDES FOR ARBITRATION OF CLAIMS WHERE PARTIES ARE IN DISAGREEMENT. PROVIDES FOR DISBURSEMENTS FROM AND REIMBURSEMENTS TO THE FUND. ESTABLISHES POLICY OF STRICT LIABILITY FOR OIL SPILL.
- THAT'S IT, BILLS IF ANY QUESTIONS PLEASE CALL -- THIS "TERMINAL MACHINES" GETS TO ME. HOPE PLEASE ACK. STU.



Crowley Maritime Corporation

3812 SPENARD ROAD • ANCHORAGE, ALASKA 99503 • (907) 274-9541

November 21, 1975



Senator C. Croft
425 "G" Street
Suite 710
Anchorage, Alaska 99501

Dear Chancy:

As recently discussed, I had mentioned that I would send some comments over to you concerning House Bills 33 and 34, as well as on Senate Bills 405 and 406. Basically House Bill 33 and Senate Bill 405 appear to establish an Alaska State Port Commission which is not too dissimilar from what is already in existence in several other states.

I rather suspect that several arguments may be generated and used in opposition to both House Bill 33 and Senate Bill 405. In an era of considerable government control at all levels, it is difficult to convince people of the need for more control. Granted that there may be remaining situations which are not currently handled by specific government agencies, and which for uniformities sake, it might be desirable to place under one umbrella, the possibility of expanding the role of an existing agency might be considered. From the standpoint of the individual who has to deal with the government, the creation of yet another agency is not a very attractive consideration.

House Bill 34 and Senate Bill 406 appear to cause more of a problem. There are several aspects of these bills that should be considered. The title of the acts speaks of issuance of certificates of insurance. This would provide funding for the various activities that both House Bill 34 and Senate Bill 406 would authorize the Alaska Port Commission to engage in. This basically amounts to taxation of a specific segment of the public to finance a new government agency. It would be somewhat discriminatory in that the services offered by the proposed Alaska Port Commission would affect a much broader segment of the public than the group

being required to fund it. Really, what should be considered here is the intent of House Bill 34 and Senate Bill 406. Under Senate Bill 406, Section 30.25.010, Declaration of Policy and Purpose, the bills state that the highest and best uses of the seacoast of the state are for public and private recreation, and as a source of public and private commerce in fishing and gathering of other marine life. Historically, Alaska's fisheries have been one of the mainstays of the economy and rightfully deserve protection from potential harm be it mismanagement or pollution. Section 30.15.010 further states that to protect these resources, the coastal waters and adjoining public lands must be kept in as close to pristine condition as possible. Again, this is a laudable goal, however, perhaps the mechanism to accomplish this already exists. Further notice under Section 30.25.010 (c) states that the transfer of hydrocarbons under a variety of circumstances is considered as a hazardous undertaking, and that further the state interests outweigh any economic burdens imposed by the legislature upon those engaged in transferring hydrocarbons. Would it be reasonable to paraphrase this as, "the burden of protection is upon those engaged in transferring hydrocarbons"? In brief, if we are concerned about this aspect of commerce, let's assure ourselves that the hazards are controlled, and if possible, without the creation of additional levels of government.

Section 30.25.040 (d), Operation Without A Certificate Prohibited, states that a condition precedent to the issuance or renewal of a certificate of insurance, the commission shall require payment of an annual insurance premium. Here again, we are back to taxation to accomplish a purpose that may be more effectively handled in other manners.

Section 30.25.060, Scope of Regulations, states under items (3) and (4) that the commission shall promulgate regulations to develop procedures, methods and means and equipment to be used by persons subject to this chapter and further develop procedures, methods and means and equipment to be used in the removal of oil and petroleum pollutants. These topics delve into a new science that is probably more of an art at this stage. To write regulations that would assure the objectives would be extremely difficult, if not impossible. By nature, regulations are written extremely tight, providing loopholes for those that become familiar with them, or else quite loose allowing for administrative interpretation. In either case, the objectives of the state may not be well served.

Section 30.25.110, Oil Discharge Clean-up Personnel, Equipment. This will put the state into direct competition with private enterprise and raise the question of whether this is desirable from a philosophical as well as practical standpoint. In all likelihood, the government, be it state or federal, would be much further ahead, from a cost standpoint as well as from an operational standpoint to work with private contractors.

Article 7 - Coastal Protection Fund

Section 30.25.260, Third Party Damages. It appears that this provides a ready made fund, similar to the TAPS Fund, for third party settlements. The question here, is it really necessary in light of the liability of the carrier. What effect would the commission rulings have on normal civil liability claims that could be made through the court? With the money market being in the position it is in, it appears questionable to tie up large sums of money in essentially a trust fund when normal liability relief is available through the courts.

Section 30.25.280 (b), Funding. This references a fund limit to be prescribed by the commission. There is no provision or guidance stated as to what limit this fund should have. Conceivably, it would open a pandoras box.

In summary, I feel that the following alternatives to specific sections would accomplish the same objectives and perhaps in a somewhat more palatable manner.

1. With the objective of protecting the coastal waters and adjoining tidelands, the state should encourage professional contractors who specialize in oil pollutable abatement. This could be accommodated through the state requiring carriers to show adequate coverage by contractual arrangements or forming co-operatives with an operational capability. The requirement placed on carriers through operating stipulations. This would allow the carriers greater flexibility in providing coverage for oil spill containment and cleanup without further taxation.
2. Encouraging the use of professional contractors would not place the State into competition with private enterprise and would rather accomplish the overall objectives at a reduced cost with State regulatory control.
3. Delete the insurance fund or set guidelines for total amounts with reductions through elimination of the State capitalizing equipment and maintaining personnel on the

Senator C. Croft
Anchorage, Alaska

November 21, 1975
Page Four

payroll. It is my personal feeling that the public is not overly enamored of government getting into another business. Even the Coast Guard would like to get out of the "strike force" equipment business and merely supervise oil spill abatement.

4. Delete the requirement for an available fund to be used for paying third party damages. This would reduce the revenue needed to be raised in that only supervisory costs would be incurred and again make the whole matter of raising revenue somewhat more palatable. Third party litigation including the government can best be handled through the courts. There is the possibility that third party relief through arbitration with the Port Commission would not preclude further relief through civil court action. This is an area that should be looked into.

These comments do not cover all aspects of the proposed legislation. Yet, I feel they do address themselves to some of the more important aspects from Crowley Environmental Services standpoint. I would like the opportunity to further discuss this with you after you have had time to read and digest the foregoing.

Sincerely yours,

CROWLEY ENVIRONMENTAL SERVICES



D. S. Braden
General Manager

DSB:cks



Federal Maritime Commission
Washington, D.C. 20573

Office of the Chairman

January 20, 1976

Mr. Stuart C. Hall
Senior Legislative Counsel
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Mr. Hall:

In your letter of September 24, 1975 you requested that the Federal Maritime Commission review Alaska Senate Bills 405, 406 and ch. 131, SLA 1975 for possible conflicts with its jurisdiction. In response to that request we offer the following comments.

First, the provisions set forth in ch. 131, SLA 1975 (abandoned and derelict vessels) do not appear to affect any statute or regulation administered by this agency. We therefore can provide no comments on this particular piece of legislation.

Second, Senate Bill No. 406 (insurance certificates for oil transfer facilities and marine carriers of oil, petroleum products and the regulation thereof) would appear to duplicate, to some degree, the provisions of the Federal Water Pollution Control Act (FWPCA). A number of states, including Florida, Massachusetts, California, and Maryland, have in the past either enacted or contemplated enactment of water pollution legislation. At least with respect to the Florida legislation, legal arguments were made that Federal legislation under the FWPCA had preempted the field, and therefore, the Florida law was invalid. The matter went to the Federal courts, and the Supreme Court ruled in *Askew, Governor of Florida, et al. v. American Waterways Operators, Inc., et al.*, 411 U.S. 325 (1973) that, with respect to the particular law involved, such state duplicating legislation did not invade a regulatory area preempted by the FWPCA.

Third, Senate Bill No. 405 (Alaska State Port Commission) does not appear to conflict with any of the statutes or regulations administered by this Commission. However, if enacted, the bill does contain provisions which may subject the Alaska State Port Commission to regulation by this agency. Specifically, sections 30.20.160 and 30.20.190 would appear to make the Port an "other person" as defined in section 1 of the Shipping Act, 1916 (46 U.S.C. 801), and require the filing of terminal tariffs with this Commission pursuant to General Order 15 (46 CFR 533).

- 2 -

It is also possible that if the Port Commission leases terminal facilities to private terminal operators such leases may require filing with the Federal Maritime Commission under section 15 of the Shipping Act (46 U.S.C. 816).

Enclosed you will find copies of the various statutes and regulations discussed herein. We hope that the information will be of assistance in your consideration of the proposed legislation.

Sincerely yours,

Karl E. Bakke

Karl E. Bakke
Chairman

Enclosures

10 JUL 1975

SUBJECT: State of Washington Bill No. 527, enacted 29 May 1975

To: Mr. [unclear]
From: [unclear]
[unclear]

FROM: Chief Counsel

TO: Chief, Office of Merchant Marine Safety

1. In an effort to reduce the danger of oil spills in certain congested areas the State of Washington has legislated a law requiring "all" oil tankers -- i.e., those U.S. tankers registered in the foreign trade, all foreign tankers, and all U.S. tankers enrolled in the coastwise trade, of 50,000 DWT or greater -- to employ a Washington State licensed pilot while navigating in Puget Sound and adjacent waters. Subject Act also prohibits oil tankers greater than 125,000 DWT from operating in certain areas, and prohibits oil tankers of 40,000 to 125,000 DWT from operating in certain areas unless they either satisfy enumerated standard safety features or are under the escort of tugs meeting specified requirements. The Act directs studies related to vessels carrying other potentially hazardous materials.

2. I believe that the subject matter of the Act is preempted by federal law, and imposes an unreasonable restriction upon interstate commerce in contravention of the Commerce Clause, Act. I, Clause 3 of Section 8. It is also in conflict with federal statutory authorities which provide for the development of international maritime standards within the framework of IMCO, thereby seriously interfering with the Executive authority in Foreign Affairs.

3. While Congress has left to the States the regulation of pilotage in the bays, inlets, rivers, harbors and ports of the several states "...until further provision is made by Congress..." (46 U.S.C. 211), it has also required that "every coastwise seagoing steam vessel subject to the navigation laws of the United States... (i.e., all coastwise vessels subject to the inspection by the Coast Guard) not sailing under register, shall, when underway, except on the high seas, be under the control and direction of pilots licensed by the Coast Guard." (46 U.S.C. 364). Although "...title 52 of the Revised Statutes shall [not] be construed to annul or affect... the laws of any State, requiring vessels entering or leaving a port in any such State... to take a pilot duly licensed or authorized by the laws of such State..." (46 U.S.C. 215), the limitation does not apply to coastwise steam vessels. (14.) These statutes have been consistently construed to mean that a State cannot require pilotage on an American inspected vessel on a

Subj: State of Washington Bill No. 527, enacted 29 May 1975

coastwise voyage unless it is sailing under register. This has recently received support in the enactment of the Ports and Waterways Safety Act, P.L. 92-340, July 10, 1972 wherein Congress again recognized the right of a State to require pilots on self-propelled vessels engaged in the foreign trades while leaving pilotage requirements for coastwise vessels under federal jurisdiction. See Section 101(5). (Emphasis added.)

4. The Supreme Court has interpreted the Supremacy Clause (Article VI) of the U.S. Constitution as providing the necessary vehicle for federal pre-emption of state laws in which there is conflict. The federal government has long been tasked with the responsibility to regulate maritime safety. With the passage of the Ports and Waterways Safety Act of 1972, P.L. 92-340, in July 1972 the federal government, through the Coast Guard, has broadened maritime safety authority to affirmatively include environmental considerations in addition to safety aspects. The purpose of the PWSA is to promote the safety and environmental quality of our ports, waterfront areas and the navigable waters of the U.S. -- exactly what the Washington Act proposes to do. Specifically, §201 of the PWSA tasks the Coast Guard with the responsibility of establishing design and construction criteria for vessels, including oil tankers. The State of Washington's attempt to impose standard safety features on certain oil tankers (Sec. 3(2)(a)-(e)) is violative of the pre-emption doctrine. Kelly v. State of Washington, 302 U.S. 1 (1937) recognized that state structure and equipment requirements on vessels would be preempted by the necessity for uniform federal regulation. Further the prohibition of oil tankers greater than 125,000 DWT from entering Puget Sound, and the tug escort requirements, are also violative of the preemption doctrine. House Report No. 92-563 accompanying H.R. 8140 at page 8 recognized the need for uniform federal regulation in maintaining vessel traffic services and systems for ports, harbors, and other waters subject to congested traffic. Burbank v. Lockheed Air Terminal, 5 ERC 1321 (U.S. 1973) supports this preemption conclusion. The Court recognized that, even though intended to protect the local area from noise pollution, federal control over air commerce preempted the City of Burbank's ordinance prohibiting jet airplanes from landing at the Hollywood-Burbank Airport between 11 P.M. and 7 A.M. the next day. Likewise, comprehensive federal control over maritime commerce preempts Washington's legislation.

5. The Washington Act is also unconstitutional because it creates an undue burden on interstate commerce. The standard safety feature requirements unduly burden ISC. Compare with Southern Pacific Co. v. Arizona, 325 U.S. 761 (1945)

Subj. State of Washington Bill No. 527, enacted 29 May 1975

(state law limiting the length of railroad cars created an undue burden on ISC); and Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520 (1959) (state law requiring mud flaps on all trucks operating in the state created an undue burden on ISC). Distinguish Huron Portland Cement Co. v. Detroit, 362 U.S. 440 (1959) which upheld Detroit's smoke abatement ordinance because it did not create an undue burden on ISC (and was not preempted by Federal regulation). However, note that the ordinance did not impose structural requirements for vessel's boilers. Nor is Askew v. American Waterways Operators, 411 U.S. 1325 (1973) dispositive. The Court avoided deciding whether the provision of the Florida Act requiring containment gear impermissibly invaded a subject requiring uniform federal regulation. Concerning the prohibition from entry and tug escort requirements, though preemption is the most persuasive argument for invalidating the provisions, I believe they also would create an undue burden on ISC -- they would impede the free movement of both interstate and foreign waterborne commerce.

6. Another major area of concern with the Act is the effect it will have on the efforts of the U.S. to achieve internationally acceptable marine safety and environmental protection standards. The elaboration of Solas 74 and the 1973 Marine Pollution Convention are recent examples of the actions taken to provide a system of equality which will not unduly burden commerce. Congress has, recognized the impracticality of local unilateral action creating systems of inequalities by mandating, in Section 201(7) of PWSA, 46 USC 391a(7), a requirement of equality consonant with international treaties, conventions, or agreements for the protection of the marine environment.

7. In view of the broad statutory and regulatory power of the Federal Government, acting through the Coast Guard, in all fields related to maritime and environmental safety, there can be no doubt that the field encompassed by the Act of the State of Washington is federally preempted. The Act is also constitutionally void because it would create an undue burden on interstate commerce.

R. A. Ratti

R. A. RATTI

Copy to:

G-W

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
OLYMPIA

DANIEL J. EVANS
Governor

May 29, 1975

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to two sections Substitute House Bill No. 527 entitled:

"AN ACT RELATING to water pollution from petroleum spills."

This bill provides, among other things, safety standards for oil tankers and other precautionary measures for prevention of major oil spills in Puget Sound and adjacent waters.

Section 4 of the bill authorizes the Utilities and Transportation Commission to implement the provisions of the act by rules and regulations. I am puzzled over this delegation of major responsibility to the commission, which has had no previous experience or expertise in the area. Nor is there funding provided which might allow the commission to do a creditable job in this new field of responsibility. Elsewhere in the bill a study is authorized on the desirability of transferring the duties and responsibilities of the Board of Pilotage Commissioners to the Utilities and Transportation Commission or any other appropriate state agency. Until there are findings determined in such study which confirm the need to assign the responsibility of implementing and enforcing the provisions of this act to the commission, I am not willing to allow a situation to exist where separate agencies in state government have substantially overlapping duties in this area of increasing importance without clear direction from the Legislature.

Section 7 provides an expiration date for the act of June 30, 1978. Few would disagree that this state must soon decide and act on long range solutions to the problems created by the transportation of oil in massive quantities in Puget Sound waters. By passing this bill, the Legislature has decided that at least in the near future, oil tankers exceeding 125,000 deadweight tons should not be permitted to enter these waters. The study provided in section 5 may well offer some additional alternatives. The expiration date, however, rather than encouraging all parties to develop sound long range solutions, would instead discourage such efforts. This state could, conceivably, find itself in the second half of the 1978 faced with unprecedented supertanker traffic in Puget Sound waters with all the attendant hazards but without any capability to prevent or reduce the risks of oil spills likely to produce catastrophic and permanent damage to the unique environment of the area.

Page 2
To the House
May 29, 1975

The expiration date would also leave the oil industry and others affected in an untenable state of uncertainty over permissible and impermissible activities in the transportation of oil into this area. Neither public nor private interests would be benefited by such uncertainty.

For the foregoing reasons, I have determined to veto section 4 and 7 of the bill. With the exception of those sections, the remainder of the bill is approved.

Respectfully submitted,

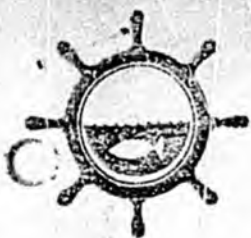
Daniel J. Evans/signed/
Governor

DJE:sh

OCEANOGRAPHIC COMMISSION OF WASHINGTON

312 FIRST AVENUE NORTH, SEATTLE, WASHINGTON 98109

(206) 464-6272 or (SCAN) 8-576-6272



13 May 1975

DANIEL J. EVANS
Governor

Senator Gordon L. Walgren
Chairman
Senate Transportation and
Utilities Committee
433 Public Lands Building
Olympia, Washington 98504

Dear Senator Walgren:

In response to your letter of 9 May, sufficient copies of "A Prospectus on A Feasibility Study on Four Alternative Common-Use Crude Oil Terminal Systems in Washington State" are enclosed for distribution to the Senate Transportation and Utilities Committee. The cost sharing arrangement proposed in the study is \$100,000 in State appropriations and about \$80,000 in contribution from Trans Mountain Oil Pipe Line Corporation. Total cost is estimated at \$180,000, with the final report due in January 1976. These costs do not include funds for the feasibility study of an underwater pipeline crossing at Admiralty Inlet and the Deception Pass Bridge crossing. These two studies should be conducted concurrently so that the results may be integrated.

We believe this joint government/industry study will develop significant findings which will aid the state legislature in its deliberations on an oil transportation policy.

Respectfully yours,

B. G. Ledbetter
OCW Executive Secretary

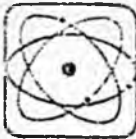
Kenneth L. Hall
Vice President, Operations
Trans Mountain Oil Pipe Line Corporation

cc: OCW Commissioners
OIW Trustees
Rep. Robert Perry

EXECUTIVE COMMITTEE: Sen. John S. Murray, *Chairman*; Sen. Don L. Talley, *Vice Chairman*; George Johansen, *Secretary*; Dr. Stanley R. Murphy, *Immediate Past Chairman*

COMMISSIONERS: Frank W. Foley, Rep. Eleanor A. Fortson, Rep. Donald G. Hansey, Garrett Horder, Jon M. Lindbergh, Sen. A. L. Rasmussen, Rep. Rick Smith

EXECUTIVE SECRETARY: B. G. Ledbetter



senate transportation & utilities committee



WASHINGTON STATE LEGISLATURE

ROOM 235 • HOUSE OFFICE BUILDING • OLYMPIA, WASHINGTON 98504 • (206) 462-1215

SEN. GORDON L. WALGREN, CHAIRMAN • SEN. AL HENRY, VICE CHAIRMAN • SEN. JOE STORTINI, VICE CHAIRMAN

May 9, 1975

Mr. B. G. Ledbetter
Executive Secretary
Oceanographic Commission
312 First Avenue North
Seattle, Washington 98109

Dear Mr. Ledbetter:

You and representatives of Trans Mountain Oil Pipeline Corporation have indicated that a jointly funded, government industry study of common-use, crude oil terminals and related facilities might provide valuable information necessary to the formulation of state oil transportation policy.

This letter is to officially request, on behalf of the Senate Transportation and Utilities Committee, that the Oceanographic Commission of Washington and the Trans Mountain Oil Pipeline prepare a brief prospectus on such a study. The prospectus should outline the scope of work, division of study tasks between TMOPL and OCW, and cost estimates and proposed sharing arrangements between TMOPL and state government. It should be planned to submit the final study report to the legislature by January, 1976.

An early reply would be appreciated.

Very truly yours,

Gordon L. Walgren
Chairman

GLW:cz

MEMBERS

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PAT WANAMAKER
NAT W. WASHINGTON*
JONATHAN WHETZEL

A PROSPECTUS ON
A FEASIBILITY STUDY
ON
FOUR ALTERNATIVE COMMON-USE
CRUDE OIL TERMINAL SYSTEMS
IN WASHINGTON STATE

Prepared Jointly by the
OCEANOGRAPHIC COMMISSION OF WASHINGTON
and
TRANS MOUNTAIN OIL PIPE LINE CORPORATION
for the
SENATE TRANSPORTATION AND UTILITIES COMMITTEE
WASHINGTON STATE LEGISLATURE

13 May 1975

TABLE OF CONTENTS

	<u>Page</u>
I. PURPOSE	1
II. BACKGROUND	1
III. STUDY APPROACH	2
IV. STUDY TASKS.....	3
V. COSTS AND SCHEDULE OF PERFORMANCE	7

I. PURPOSE

This study is proposed for joint funding by industry and state government. It would consider the development of a common-use, crude oil terminal system at four alternative areas:

- Cherry Point
- Burrows Bay near Anacortes
- Port Angeles
- West of Port Angeles

Its purpose is to (1) refine previous cost estimates, (2) examine alternative methods of financing terminal system development, and (3) identify potential impacts and conflicts among the multiple uses of marine and land resources which would be associated with such development.

II. BACKGROUND

The report by the Oceanographic Commission of Washington, Offshore Petroleum Transfer Systems for Washington State (OPTS), presented findings about the feasibility of "offshore monobuoy and related petroleum transfer facilities." These findings indicate that there would be advantages both to the public and private sectors from improving the present oil transportation system in the state. There is general agreement in government, industry, and the public on the need for change, but there is some disagreement on the nature and extent of change needed.

The OPTS report is a step towards resolution of this public policy dilemma. It compares more than 70 combinations of locations, markets, and crude oil supply on a variety of technical,

economic, environmental, social, and jurisdictional parameters. It helps eliminate most from further consideration.

It was not "site specific," however, and leaves more detailed analysis to future study, once the most attractive alternatives have been selected.

One alternative of high interest was that of a common-use system for unloading crude oil at Burrows Bay near Anacortes. Trans Mountain Oil Pipe Line Corporation, which owns and operates a common-carrier pipeline supplying all four major refineries with crude oil from Canada, has studied this alternative from a potential owner-operator point of view. It issued a report in May 1975 on its feasibility study, "Burrows Bay Crude Oil Transfer System."

These two reports and the general reaction to each indicate that there are now four common-use, crude oil deepwater port alternatives worthy of further study:

- Cherry Point
- Burrows Bay
- Port Angeles
- West of Port Angeles

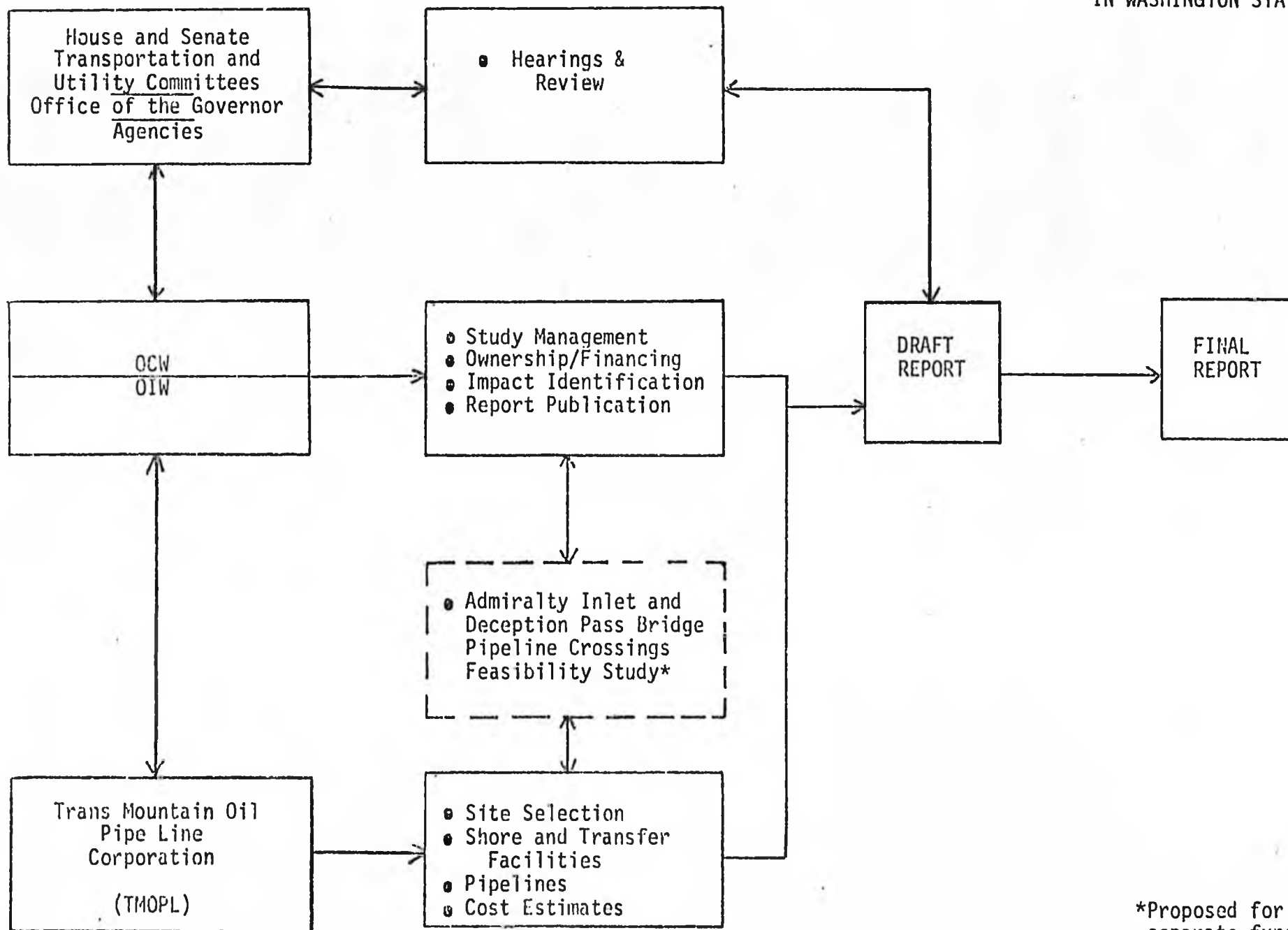
It is becoming increasingly apparent that it would be easier for the legislature to arrive at an equitable state policy on oil transportation if industry and government would develop joint estimates and findings and work toward identifying acceptable compromises.

III. STUDY APPROACH

The study tasks will be completed by an integrated team of private companies and government, with overall management and

FIGURE 1 - STUDY APPROACH

A FEASIBILITY STUDY ON
FOUR ALTERNATIVE COMMON-USE
CRUDE OIL TERMINALS SYSTEMS
IN WASHINGTON STATE



*Proposed for separate funding

publication of the study report by the Oceanographic Commission of Washington. Figure 1 shows the overall study structure and the general areas of investigation. The Oceanographic Commission would utilize its non-profit corporation, the Oceanographic Institute of Washington, in conducting its designated study tasks. For purposes of sizing the transfer facilities, scenarios will be described for reasonable throughput levels of crude oil and the tanker fleet mix necessary to transport these volumes to meet the needs of the Northwest market. The study will not consider the movement of petroleum refined products and will assume the existing product transportation and handling schemes will remain in use. The study is constrained to a six-month period because of the necessity for consideration of the results during the expected 1976 special session of the legislature.

IV. STUDY TASKS

The six basic study tasks are as follows:

Task 1 - Engineering and Cost Estimates

Task 1a - Site Selection. Sites for a marine terminal will be selected within the general area of each of the four locations designated. Selection will be based on detailed analysis of the available published data and sufficient field work to prepare preliminary design criteria and capital cost estimates.

The report on each terminal site will include comments on water depths, shelter, maneuvering room, currents, wind, waves, navigation of approach and the presence of other marine facilities.

Bottom conditions will be investigated using seismic and sampling methods in sufficient detail to support a sound preliminary design.

Task 1b - Shore and Transfer Facilities. Transfer lines connecting the marine terminal to the receiving tanks on shore will be designed for crude oil, bunker fuel, potable water and fire protection water as required. These lines will be designed as submarine lines or carried on a causeway as best suits the selected terminal site.

Sites suitable for tank farms will be chosen on the basis of proximity to the marine terminal, soil conditions, zoning regulations, and potential environmental impact. Tankage will provide for desired crude segregation.

Task 1c - Pipe Lines. Preliminary routes will be located for pipe lines to connect the receiving facilities to the present Trans Mountain pipeline network serving the Puget Sound refineries. Location will be based on studying available maps, aerial photographs and geological data. Field investigation will be used to refine the preliminary location.

Existing data on watershed characteristics, precipitation and surface and stream run-off for the project area will be assembled. This information will be used, along with field reconnaissance, in estimating the effect on stream and river crossing design, construction costs and right-of-way stabilization. Field inquiries will be made to determine the costs of obtaining right-of-way and estimating construction clean-up costs.

Hydraulic calculations will be made for all assumed throughputs. Pipelines and pump stations will be designed accordingly. Field investigations will be conducted as required to determine the availability and cost of service facilities such as power, water, fuel, and communications.

Task 1d - Cost Estimates. Capital cost estimates will be prepared for materials and construction required to complete fully operable systems. These estimates will be in sufficient detail to permit application of parameters such as escalation, interest during construction, depreciation and capital cost allowance for the purpose of economic analysis and tariff calculations.

Estimates will be made of personnel requirements and operating costs for each of systems described. These costs will reflect current oil company and pipeline practices and operating philosophy. Provisions will be made for oil spill containment and clean-up procedures.

The cost of tug escort and berthing assistance is not normally a part of a terminal operating charge. However, a detailed investigation will be carried out for each of the locations under consideration to determine what these costs might be under current and pending legislation.

Task 2 - Owner-Operator Financing Alternatives. For each of the four terminal systems, three alternatives of public or private ownership and financing will be investigated:

- a). Private ownership and operation
- b) Public ownership and operation
- c) Public ownership and private operation

The effects of varied institutional arrangements and financial schemes will be developed. This task will consider existing ownership and financial patterns and make use of available computer programs for financial models such as those used for the state of Texas "Seadock" program. The output will compare the overall crude oil transportation costs from tanker to refinery for each of the four common use terminal systems and the three financial/ownership schemes under study.

Task 3 - Potential Impact Identification. The OPTS report identified some of the impacts from crude oil transfer under various port alternatives. This baseline of information will be amplified by collecting additional data and information on the potential impacts of the four specific port alternatives to be studied here. Burrows Bay, for example, was discussed as a possible port alternative in the OPTS and TMOPL reports, but a detailed analysis of potential impacts was not made. Investigations must be made and verified on possible conflicts of public, private and commercial multiple uses of land and water resources.

Task 4 - Comparative Summary. This task will present a summary of results, and a comparison of the four selected alternatives designed to meet projected throughputs of crude oil for meeting the

market needs of refineries in Washington State. Analyses and comparisons will be made of costs and feasibility of installation and of public costs and benefits associated with various ownership schemes. Potential environmental changes and multiple use conflicts will be identified. This summary will facilitate the development of significant findings which will aid public policy-makers in their deliberations.

Task 5 - Review and Critique. A draft report of the study results will be made available for review and critique by the House and Senate Transportation and Utilities Committees, the Oceanographic Commission, interested local, state, and federal agencies, and private companies involved. The Oceanographic Institute and Trans Mountain Oil Pipe Line Corporation will prepare the draft report, transmit it to the reviewers, and integrate the results of the review and critique into the final report.

Task 6 - Final Report Preparation and Publication. The final report will be submitted to the legislature and executive by January 1976.

V. COSTS AND SCHEDULE OF PERFORMANCE

The proposed study will require six (6) months of professional effort. The total estimated cost for the study is \$180,000. Cost sharing will include \$80,000 contributed by the Trans Mountain Oil Pipe Line Corporation and require Washington State funding of \$100,000. This cost estimate does not include funds for the Admiralty

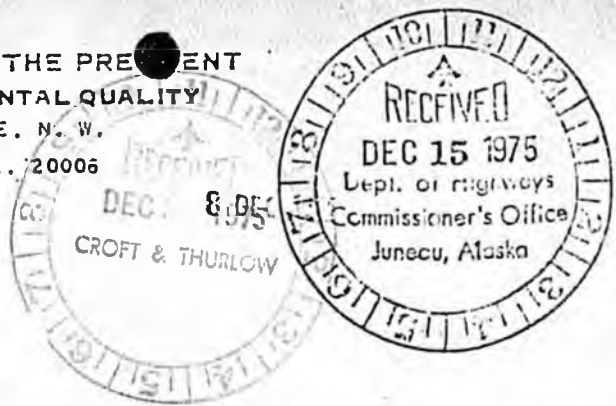
Inlet and Deception Pass Bridge pipeline crossings feasibility study, which is an adjunct and should be conducted concurrently with this proposed study. The division of tasks between TMOPL and OCW is shown in Figure 2. Cost sharing between industry and government is based on this division of tasks.

FIGURE 2 - FEASIBILITY STUDY OF FOUR COMMON-USE CRUDE OIL TERMINAL SYSTEMS
PROGRAM SCHEDULE AND COST ESTIMATE

STUDY TASKS	1975						Estimated Cost Sharing		
	J	A	S	O	N	D	TMOPL	State Appropriation	
1. Engineering/Cost Feasibility a. Site Selection b. Shore and Transfer Facilities c. Pipelines* d. Cost Estimates							65,000		
2. Owner-Operator Financing Alternatives a. Private Ownership & Operation b. Public Ownership & Operation c. Public Ownership & Private Operation							5,000	60,000	
3. Identification of Potential Conflicts and Impact of Multiple Resources Use a. Identify gaps in data, information and existing impact assessments b. Collect Available Missing Data and Information c. Identify Potential Changes due to Alternative Actions							2,000	20,000	
4. Comparative Summary							1,500	5,000	
5. Review and Critique of Draft Report							1,500	4,000	
6. Report Preparation and Publication							5,000	11,000	
							<u>5,000</u>	<u>11,000</u>	
							TOTAL ESTIMATED COST	\$80,000	\$100,000

* Does not include field work for Admiralty Inlet and Deception Pass Bridge pipeline crossings

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006



Dear Captain Greiner:

The Council on Environmental Quality (CEQ) has reviewed the proposed Coast Guard regulations CGD-75-201 "Tank Vessels Carrying Oil in Domestic Trade," as published in the Federal Register of October 14, 1975, Vol. 40, No. 199, Part IV. We appreciate the extension of time given for our comments.

We agree with and support the concept embodied in these proposed regulations -- that of distributing the required segregated ballast around the ship's outer skin to perform the additional function of providing a defense against side and bottom accidents. In the past CEQ has strongly supported the provision of such "defensive space" in full double bottoms. We continue to believe that such a configuration would provide a great degree of environmental protection. However, our most recent statistical analysis of worldwide tanker spill data in relation to the six tanker designs set out in the proposed regulations indicates substantial uncertainty as to which types of accidents would cause the greatest outflows and whether any single design would be the most effective in reducing outflows. As such, we believe that reduction of oil outflows should be the most important objective of these regulations and that the Coast Guard should uniformly require tankers to be designed in such a way as to significantly reduce oil outflows from the levels permitted by the 1973 INCO Convention.

Notwithstanding our general agreement with the Coast Guard's conceptual approach, we have a number of concerns about the formula contained in Section 157.09 of the proposed regulations. First, the formula is weighted without apparent justification toward protection against side damage versus protection against bottom damage. Yet the Coast Guard's own evaluation of worldwide spill data for the years 1969-1973 has concluded that one type of damage is "as much a problem" as the other. Second, our



For your information
Dennis M. Dooley
SPECIAL ASST. TO COMMISSIONER

STATE OF ALASKA
DEPARTMENT OF HIGHWAYS
P. O. BOX 1467
JUNEAU AK. 99801
364-2121 EXT. 111

RM 850 MCKAY BLDG
338 DENALI ST
ANCHORAGE AK. 99501
279-6122

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006



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*For copies
of information*

Dennis M. Dooley
SPECIAL ASST. TO COMMISSIONER

STATE OF ALASKA
DEPARTMENT OF HIGHWAYS
P. O. BOX 1467
JUNEAU AK. 99801
364-2121 EXT. 111

RM 850 MCKAY BLDG
338 DENALI ST
ANCHORAGE AK. 99501
279-6122


PAGE 2 NOT

IN FILE

existing tank vessels both U.S. and foreign. There is wide agreement that operational discharges from existing vessels constitute the largest contribution to oil pollution of the oceans and that segregated ballast provides the most effective means of minimizing such pollution. Retrofitting existing vessels with segregated ballast would be a major step in cleaning the seas of oil and it deserves the most serious consideration. The staggered wing tank design permitted by the proposed regulations, as modified by our comments, would provide a potentially feasible approach to retrofitting existing vessels. We would be pleased to work with the Coast Guard on developing such a program.

Thank you for the opportunity to review and comment on your proposed regulations. Please let me know if you or your staff have any questions on the matters discussed in this letter.

Sincerely,



Steven D. Jellinek
Staff Director

Captain George K. Greiner
Executive Secretary
Marine Safety Council (G-CMC/82)
United States Coast Guard
Room 8234
Washington, D.C. 20590

cc:
Adm. Robert I. Price, USCG

TANKER



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
OLYMPIA

Tank Bill

DANIEL J. EVANS
GOVERNOR

March 29, 1976

The Honorable Chancy Croft
Alaska State Legislature
425 G Street
Anchorage, Alaska 99501

Dear Senator Croft:

Thank you for the copy of your Senate Bill 406, a bill devoted to a subject of considerable concern to all of us now faced with the spectre of water-borne traffic in crude oil. A great deal has been said and written on this subject in recent weeks and months and I am afraid we are not too much closer to a final acceptable solution to the basic problem.

We appreciate your indication of confidence in the efficacy of our actions in using our bill as a starting point for your proposed legislation. I think your proposal carries this problem to the next logical step and we certainly wish you luck in getting favorable legislative action on your proposal.

I have no particular suggestions as to how to get favorable legislative action. I can safely predict that you will encounter stiff resistance as we did just in getting your bill passed, and probably will have it tested in the courts as well. Possibly by then you will have the benefit of our experience with the Atlantic-Richfield suit to draw upon.

There are corollary actions at the national level which are of interest to us all; revisions to the Ports and Waterways Safety Act; continuing developments in tanker safety regulations developed by the Coast Guard, etc. In my opinion all these actions at both state and federal levels must be closely coordinated if we are to insure that the best interests of all concerned are to be protected. We cannot and will not permit unilateral action at any level. This approach would surely result in decisions and actions inimical to the wellbeing of our respective states.

Again, may I say that you have our wholehearted support in your efforts with this legislation and we appreciate your expression of confidence in and support for our efforts in the same area.

Sincerely,
Daniel J. Evans
Daniel J. Evans
Governor

DJE: dg

STATE OF ALASKA
Inter-Department Route Slip

TO: MAIL STATION NUMBER 3100
DEPARTMENT State Senate
ATTENTION C. Craft

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

*Tankers
Super Tankers*

FROM: MAIL STATION NUMBER 1400
DEPARTMENT Highway
BY _____ DATE 1-21

STATE OF ALASKA

DEPARTMENT OF HIGHWAYS

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

P. O. BOX 1467 - JUNEAU 99802
(907) 364-2121
(TELEX 099-45-371)

January 21, 1976

Re: 00-2457

Honorable William A. Coleman, Secretary
U. S. Department of Transportation
400 Seventh Street, S.W.
Washington, D. C. 20590

Dear Secretary Coleman:

I wish to express my thanks to you and the Coast Guard for the attendance of Admiral Benkert and Mr. John Lescroart at the Pacific Oil and Ports Group meeting on January 16. Their attendance made possible an excellent exchange between the Coast Guard, the Deep Water Ports Office, industry representatives, and the representatives from the West Coast states that were present. We were able to discover quickly common ground in some areas and reduce our levels of disagreement in such sensitive areas as the location of defensible space on domestic oil tankers.

As you will remember from the discussion that you, Governor Hammond, Admiral Price and I had on the subject of defensible space in your office in November, there are several optional ways to place this space, the most common up till now being double bottoms. As a result of our meetings in December and January with industry and Coast Guard personnel, we remain convinced that the concept of defensible space as expressed in double bottoms will substantially reduce oil losses due to groundings. We also believe that some form of defensible space on the sides of oil tankers, the double hull concept, has some value in reducing losses due to collisions and ramming. However, the data is not yet as clear to us in this area as it is in the case of the relationship between double bottoms and groundings.

My staff will continue to work intensively with the Coast Guard in solving these problems as they affect the State of Alaska and other members of the Pacific Oil and Ports Group. I hope that a risk analysis that will bear the closest scrutiny can be developed for double hulls and double bottoms.

January 21, 1976

However, time is growing short. The Senate Commerce Committee will soon begin oversight hearings on this subject and other items covered in the Ports and Waterways Safety Act of 1972, and there are definite signs of further interest in the House of Representatives. It is our belief that the subject of tanker regulations is best handled through the regulatory process so that technology is not limited by law. However, we also feel that a decision must be made soon upgrading standards of defensible space to the point where we have greater assurance than we presently have that great ships operating in narrow seas will have the maximum possible protection currently available built into their hulls, navigation systems and operating rules.

Again, thank you for the time of a valuable officer like Admiral Benkert at our meeting. I hope the Coast Guard gained as much from the experience as did the members of the Pacific Oil and Ports Group. As stated before, we are getting excellent cooperation from the Coast Guard at all levels, but we feel that we must move more swiftly to upgrade currently planned construction of oil tankers and to make such plans as are possible for retrofitting the existing fleet in a reasonable time period. That is our major point of disagreement now and we think the parameters of disagreement are shrinking.

Mr. Lescroart's attendance was especially appreciated by the Alaska delegation because of the great impact that the Deep Water Port Program will have on OCS development in Alaska. We are very happy with the emphasis and stature you are giving this program.

Thank you again for the time you have personally given to this matter. It is most appreciated by those whose livelihood depends upon a successful balance between the development of off-shore oil, the carriage of oil in tankers and the protection of the living resources of the sea.

Sincerely,

Walter B. Parker
Commissioner of Highways
Chairman, Alaska Section,
Pacific Oil & Ports Group

WBP/mth

CC: Senator Croft
Jessie Dodson, Office of the Governor
Dennis Dooley, Special Assistant
Mr. John Lescroart
Admiral Hayes, U. S. Coast Guard
Admiral Benkert, U. S. Coast Guard
Task Force Members

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

February 2, 1976

OFFICE OF THE COMMISSIONER

SUPPORT BUILDING
JUNEAU 99801

JAY S. HAMMOND, GOVERNOR

Mr. Tom Biss
Administrative Assistant
Senate Democratic Caucus
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Biss:

In regard to the questions you asked on the fisheries of Prince William Sound, the following information is provided:


In the salmon fishery, catches for Prince William Sound (including the Bering and Copper River) produced an average annual harvest of 4,047,323 salmon between 1960 and 1974. This average catch was 9.9% of the average statewide harvest during the same period. The harvest varied from a low of 3.8% of the statewide harvest in 1972 to a high of 18.9% of the statewide harvest in 1971.

The number of salmon fishermen also varies substantially from year to year. Between 1969 and 1975, the number involved in purse seining varied from 0 in 1972 (because of a closed season) to 291 in 1973. The number of people who drift gill netted varied from 404 in 1969 to 556 in 1973, and the number of people who set netted varied from 0 in 1971 (because of a closed season) to 32 in 1972 and 1975. Figures on the number of fishermen who participated in the other fisheries are not readily available.

The percentage value of fisheries products increased between 1970 and 1974. In 1970, the total landings of 26,019,431 pounds of fish and shellfish was 4.8% of the statewide total and at \$5,559,321 accounted for 5.8% of the statewide value to the fishermen. The 1974 landings of 35,628,642 pounds of fish and shellfish, while not as high as landings in 1971 and 1973, accounted for 13.9% of the statewide total and at \$11,183,481 accounted for 16.9% of the statewide value to the fishermen.

If you require further information, please do not hesitate to call.

Sincerely,


James W. Brooks
Commissioner

February 4, 1976

Mr. Tom Biss
Senate Rules Committee
Rm 644
Court Bldg.
Juneau, Alaska 99801

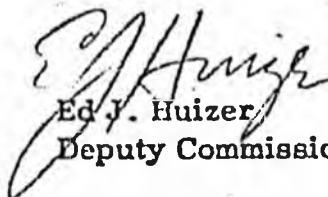
Dear Mr. Biss:

This is in response to your request for information regarding intertidal spawning of salmon in Prince William Sound.

Pink salmon and, to a lesser degree, chum salmon will typically spawn in the intertidal zone of streams throughout Alaska. However, in the Prince William Sound area, intertidal spawning by pink and chum salmon occurs at a significantly higher rate (range 50 to 70 percent of the spawning population) than in other areas of the state (average 10 to 20 percent of the spawning population).

I hope this adequately fulfills your request.

Sincerely,



Ed J. Huizer
Deputy Commissioner

EJH: LE: pp



Office of the Chairman

Federal Maritime Commission
Washington, D.C. 20573

October 7, 1975

Mr. Stuart C. Hall
Senior Legislative Counsel
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Mr. Hall:

We have received your request to analyze Senate Bills 405, 406 and ch. 131, SLA 1975 for possible conflicts with our jurisdiction.

Our staff is currently reviewing the legislation. We will notify you of our findings at the earliest possible date.

Sincerely,

A handwritten signature in cursive script that reads "Helen Delich Bentley".

Helen Delich Bentley
Chairman



COOPERATIVE EXTENSION SERVICE

UNIVERSITY OF ALASKA
FAIRBANKS ALASKA 99701

Marine Advisory Programs
3211 Providence Avenue
Anchorage, Alaska 99504
(907) 278-4911

September 9, 1975

C.G.

Mr. Bill Maguire
310 K Street
Suite 701
Anchorage, Alaska 99501

Dear Mr. Maguire:

I will be sending you all of the materials concerning the meetings on the (1) conflicts of tanker traffic in Prince William Sound and (2) on the North Gulf of Alaska lease sale and the objections and questions raised by the Cordova fishermen and others.

We have had one meeting on oil tanker traffic where the different parties of interest (Coast Guard, Alyeska, National Ocean Survey) spent time on the water viewing potential problem areas and talking candidly with the fishermen. On September 23 and 24 we will culminate this experience with an open meeting in Cordova between Cordova fishermen as represented by the Cordova Aquatic Marketing Association's President and Board of Directors, the Cordova District Fisheries Union, the fish processors association, the U.S. Coast Guard and Alyeska Pipeline Service Co. I feel that we have brought the problem out into the open and are obtaining sufficient information and questions to clear up some of the problems and apply local knowledge and opinions to the gray areas.

Your reference to proposed Senate Bills #405 and #406 would have a definite bearing at this meeting and it should be a good time to explore support and validity.

NOV 17-21

We view the meetings on ~~October 22 and 23~~ as very crucial. The CDFU has officially opposed the lease sale this year on the grounds of at least eight unsatisfactory conditions which are either unmet or unanswered. There is considerable interest on the part of state and federal agencies to participate and consider what Cordova is saying. The format for the meeting will be in the form of responses to each detailed question by the appropriate agency or agencies. More details on this meeting will be forthcoming.

Mr. Bill Maguire
September 9, 1975
Page 2

I have been led to believe that the Cordova Chamber of Commerce and the City Council have not represented the truest feelings of the people of Cordova, so even within this fine town there are conflicts.

I would be interested in meeting with you to exchange ideas and working to coordinate your meetings there also.

Sincerely,

Mark I. Hutton

Mark I. Hutton
Marine Advisory Agent

MIH/cr



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:
COMMANDER (m)
17TH COAST GUARD DISTRICT
FPO SEATTLE 98771

• DEC 1 1975

Senator Chancy Croft
425 G St., Suite 710
Anchorage, Alaska 99510



Dear Senator Croft:

As you are probably aware, the Coast Guard is in the process of establishing a Vessel Traffic Service (VTS) in Prince William Sound. This service will be implemented in mid-1977 in conjunction with the startup of tanker traffic from the TAPS terminal in Valdez. Basically the VTS will monitor and control marine traffic in Port Valdez, Prince William Sound and the approaches thereto.

The Coast Guard is currently in the initial stages of developing the regulatory package for the Vessel Traffic Service. Following the development of a set of "Operational Guidelines" the Coast Guard plans to hold preliminary informal hearings with interested parties prior to drafting proposed regulations. These informal hearings are tentatively scheduled for February of 1976.

If your organization is interested in providing input during the upcoming regulatory development process, it is requested that you identify a contact by name and address for our future use. If you choose to do so, your organization will be placed on our permanent mailing list for future correspondence and your participation in any hearings or meetings will be invited.

Please address your replies to:

Commander (mps)
17th Coast Guard District
P. O. Box 3-5000
Juneau, Alaska 99802
ATTN: VTS Valdez

MARINE PILOTING



TELEPHONE: 225-4240

225-3030

CABLE ADDRESS: SEAPILOTS

March 2, 1976

Dear Tom:

Inclosed is the letter to the Director of Occupational Licensing, placing this training and Licensing of Super Tanker Pilots on the agenda for the next meeting. Harley is investigating the facility that is supposed to be at ~~the~~ Kings Point, New York. This would be much less costly than sending people to France for training.

Yours truly,

Capt. Jack Masoni
Capt. Jack Masoni

March 2, 1976

Sharon Andrews
Director of Occupational Licensing
State of Alaska
Pouch D
Juneau, Alaska 98811

Subject: Training and Licensing of Pilots on Super Tankers.

Dear Director:

I would like to take this opportunity to ask you to have placed on the agenda for the next meeting of the Board of Marine Pilots, to be held April 21 in Juneau, the item: The requirement of special training and Licensing of State Pilots on Super Tankers in the waters of Alaska.

Yours truly,

Capt. Jack Maroni

Capt. Jack Maroni
Member of Board of Marine Pilots
State of Alaska

C
O
P
Y



Alaska State Legislature

SENATOR CHANCY CROFT
PRESIDENT OF THE SENATE

POUCH V
JUNEAU, ALASKA 99811
PHONE 907-465-3755

425 G STREET
ANCHORAGE, ALASKA 99501

January 13, 1976

Mark Singletary
Atlantic-Richfield Company
Box 360
Anchorage, Alaska 99510

Dear Mr. Singletary:

This letter is to thank you for your help in arranging the trip on the oil tanker, "Prudhoe Bay".

After having spent three months reading about tankers and how they operate, I was very appreciative of the opportunity to observe one first hand. These ships in person are very much more impressive than they are on paper.

If you would be kind enough to extend my appreciation to the captain and crew of the "Prudhoe Bay", I would appreciate it.

Thank you very much for your help.

Sincerely

Tom Biss, Administrative Assistant
Senate Democratic Caucus

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98195

Room 606
JB-20

School of Law
Office of the Dean
Condon Hall

October 30, 1975

Mr. Stuart C. Hall
Senior Legislative Counsel
Legislative Affairs Agency
Post Office Box 90
Juneau, Alaska 99802

Dear Mr. Hall:

The purpose of my letter is twofold; to thank you for your attention at the hearing of the Select Committee on Transportation on October 22nd, and to explain the circumstances under which I was selected to attend the hearing.

Alyeska Pipeline Service Co. had contacted Prof Don McKernan of the Institute for Marine Studies here at the University, and asked if he was aware of anyone in the program who would be able to make an informational presentation before a committee of the Alaska Legislature. Prof. McKernan then contacted Prof. William T. Burke of the Law and Marine Affairs LL.M. Program which is associated with the Institute.

Prof. Burke was aware that I had begun to do research in the area of state-federal relations in the context of oil transport, and told me about the opportunity. Needless to say, I was interested in presenting my research and ideas on the subject, with the caveat that my purpose was solely informational for the benefit of the Legislative Committee, and that my remarks would be of my own choosing. The presentation was a one-time event; the funding for my transportation was arranged between Alyeska and the Institute for Marine Studies. I hope the above helps to clarify my position.

Enclosed please find a copy of an article to be published shortly regarding the National Coastal Zone Management Act of 1972 and states' power under the 'consistency' aspect of the Act.

Very truly yours,

Richard DuBey

Richard Allan Du Bey
Predoctoral Research Associate
Law and Marine Affairs LL.M. Program

encl.

Not enclosed

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98195

Room 606

JB-20

School of Law
Condon Hall

November 4, 1975

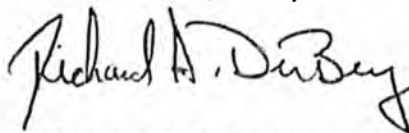
Mr. Stuart C. Hall
Senior Legislative Counsel
Legislative Affairs Agency
Post Office Box 90
Juneau, Alaska 99802

Dear Mr. Hall:

Please find enclosed three (3) corrected copies of the draft of my written testimony before the Select Committee on Transportation of the Alaska Legislature.

In the event that my research efforts can be of any further assistance to the Committee, please contact me.

Very truly yours,



Richard Allan Du Bey
Predoctoral Research Associate
Law and Marine Affairs ILM. Program

encls.