

HJR

19

HOUSE COMMITTEE REPC F

(9)

Date Referred to Committee: February 23, 2009

FURTHER REFERRALS:

Date of Committee Action: 3/11/09

The RESOURCES Committee considered:

HOUSE JOINT RESOLUTION NO. 19

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

HJR 19 OIL TANKER ESCORT VESSELS/OIL SPILL ANNIV

Recommends it be replaced with HCS or CS for _____ (_____)

For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

- List of Abbrev for Depts:
- ADM
 - CED
 - COR
 - CRT
 - EED
 - DEC
 - DFG
 - GOV
 - DHS
 - LWF
 - LAW
 - LEG
 - MVA
 - DNR
 - DPS
 - REV
 - DOT
 - UA

NEW FISCAL NOTES				
* Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
HRES				✓

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP ⑤	DNP	NR ②	AM
	Edgmon	✓			
	OLSON	✓			
	KAWASAKI			✗	
	SEATON	X			
	TUCK	X			
Chair:	Johnson			✗	
Chair:					



Representative Alan Austerman

Alaska State Legislature

Representative_Alan_Austerman@legis.state.ak.us

Session:

State Capitol, Room 434
Juneau, Alaska 99801
(907) 465-2487 | (800) 865-2487
(907) 465-4956 (fax)

Interim:

305 Center Ave, Suite 1
Kodiak, Alaska 99615
(907) 486-8872
(907) 486-5264 (fax)

SPONSOR STATEMENT

HOUSE JOINT RESOLUTION 19

House Joint Resolution 19 recognizes the 20th anniversary of the Exxon Valdez oil spill and supports continuation of the practice of dual tug escorts for loaded oil tankers traversing Prince William Sound.

Currently, Trans-Alaska Pipeline System oil tankers in Prince William Sound are required to have two tug escorts when carrying oil. This is in accordance with the Oil Spill Prevention Act of 1990, a federal mandate. This act does not require tug escorts for double hull tankers, however. At the present time, all but two tankers engaged in the TAPS trade are double-hulled ships.

The regulations keeping the escort system in place for all tankers—including double-hulled tankers—are embodied in the oil spill contingency plans filed by oil shippers with the Alaska Department of Environmental Conservation. While the shippers say they do not envision changes in the escort system in the immediate future, these plans are as a matter of fact subject to review and amendment by the shippers at any time.

The current escort system is a vital component in preventing catastrophic oil spills in Prince William Sound and in responding when oil spills occur. It should be retained to assure the continued protection of Alaska's fisheries resources, both commercial and recreational, along with traditional subsistence uses, tourism, and the many other uses of the natural resources of Prince William Sound and the adjacent Gulf of Alaska. While HJR19 carries no legal force, it will educate Alaskans, spark debate, and put the Alaska Legislature on record as supporting the continued operation of the world-class escort system in Prince William Sound.###

~ Representing Alaska State House District 36 ~

Akhiok | Igiugig | Iliamna | Karluk | Kodiak | Kokhanok | Larsen Bay | Levelock
Newhalen | Nondalton | Old Harbor | Ouzinkie | Pedro Bay | Port Alsworth | Port Lions

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 19
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: _____
 Title OIL TANKER ESCORT VESSELS/OIL SPILL ANNIV RDU _____
 Component _____
 Sponsor _____
 Requester _____ Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Debra Higgins, Committee Aide Phone 465-3715
 Division: House Resources Committee Date/Time _____
 Approved by: Representative Craig Johnson, Co-Chair Date 3/11/2009
House Resources Committee

Sponsored by: Corbridge

CITY OF SEWARD, ALASKA
RESOLUTION 2005-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA IN SUPPORT OF MAINTAINING A STRONG AND RELIABLE ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN CRUDE OIL TANKERS TRANSITING PRINCE WILLIAM SOUND

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990; and

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors; and

WHEREAS, the current Prince William Sound escort system provides the capability and resources of immediate, on-scene response of two escort vessels; and

WHEREAS, laden double hull tankers, including those with redundant systems, are currently voluntarily escorted in a two-tug escort configuration; and

WHEREAS, since the implementation of the current escort system, there have been no major oil spills and potential accidents have been reduced to near misses; and

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, a large oil spill in Prince William Sound would adversely affect the commercial fisheries, tourism industry and economies of coastal communities in south central Alaska and cause major environmental damage.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:

Section 1. The Seward city council supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden crude oil tankers transiting Prince William Sound.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Seward, Alaska, this 14th day of March, 2005.

THE CITY OF SEWARD, ALASKA



Vanta Shafer, Mayor



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 11, 2009

Representative Craig Johnson, Co-Chairman
Representative Mark Neuman, Co-Chairman
House Resources Committee
Alaska State Legislature
State Capitol (Mail stop 3100)
Juneau AK 99811

Dear Chairman Johnson and Committee members,

United Fishermen of Alaska supports HJR 19, calling for an escort of at least two vessels accompanying loaded oil tankers in Prince William Sound, whether single-hulled or double-hulled. While the use of double hulled tankers offers some level of protection, the risk that oil tanker traffic brings against the value of Alaska's fisheries calls for the highest level of preventive protection that can be attained. With Alaska's coastal weather, tidal currents, and natural navigational hazards, the presence of a second escort vessel is required in order to safely control a large tanker vessel should a loss of power occur, to avoid a repeat of a preventable disaster.

UFA represents 37 Alaska commercial fishing organizations from fisheries throughout the state and its offshore waters, altogether representing more than half of U.S. domestic seafood production. We ask for your support of HJR 19 to best help prevent another tragedy to Alaska's fisheries.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Independent Fishermen's Marketing Association • Alaska Independent Tendermen's Association
Alaska Longline Fishermen's Association • Alaska Scallop Association • Alaska Trollers Association • Alaska Whitefish Trawlers Association
Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve • Bristol Bay Regional Seafood Development Association • Cape Barnabas Inc.
Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner Association
Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance • Southeast Alaska Regional Dive Fisheries Association
Southeast Alaska Seiners • Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Cook Inlet Drift Association
United Southeast Alaska Gillnetters • Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen



March 10, 2009

Hon. Gary Stevens, President [Via Fax: 907 465-3517]
Alaska State Senate
State Capitol, Room 111
Juneau, Alaska 99801-1182

Hon. Alan Austerman [Via Fax: 907 465-4956]
Alaska House of Representatives
State Capitol, Room 434
Juneau, Alaska 99801-1182

Re: Support for Senate Joint Res. 11 and House Joint Res. 19

Dear Senator Stevens and Representative Austerman:

This letter is to express deep appreciation and strong support for your introduction of Senate Joint Resolution No. 11 and House Joint Resolution No. 19 respectively resolving --

“that the Alaska State Legislature supports the continued practice in Prince William Sound of accompanying each loaded oil tanker, whether single-hulled or double-hulled, with at least two escort vessels.”

Your resolutions will help ensure that the marine safety system for loaded oil tankers traveling from the Marine Oil Terminal in Valdez, Alaska through Prince William Sound is *not weakened* by reducing the current practice of using dual escort tugs to accompany such tankers. The continued practice of dual escorts is crucial to protecting people, communities, livelihoods, the economy, fish and wildlife and other natural resources of the Prince William Sound and other portions of the Gulf of Alaska within the Exxon Valdez oil spill region from another devastating oil spill.

As one of numerous communities in the oil spill region, the village of Old Harbor, for which the Old Harbor Native Corporation is the village corporation authorized by the Alaska Native Claims Settlement Act, witnessed and experienced, and continues to experience, the aftermath of the 1989 oil spill. President George H. W. Bush called that spill “the worst marine environmental disaster this Nation has ever experienced.” Clearly, such a disaster should never be permitted to happen again.

Fortunately, because of the actions of the U.S. Congress, federal agencies, the State of Alaska, the citizens’ panel authorized by Congress to help oversee the operations at the terminus of the Trans-Alaska Pipeline and oil transport through Prince William Sound, and to their credit, industry itself, the current marine safety system at Valdez is viewed by most to be among the safest in the world. The employment of dual escorts is a critical core safety component of that system.

Hon. Gary Stevens and Hon. Alan Austerman
March 10, 2009
Page two

We all learned the hard way that regardless of tanker technology . . . human error, equipment failure, weather, obstacles in the water such as icebergs, and other factors can contribute to the creation of catastrophic results. The 1989 oil spill resulted in enormous disruption and harm to the lives and livelihoods of people living in the region, including people in our village, to the fishing industry, to tourism, to subsistence resources and to the marine, intertidal and terrestrial shoreline environment.

Considering the huge social, environmental, economic and cultural impacts and costs of the Exxon Valdez oil spill, it would be a "penny-wise and pound-foolish" to diminish the current protections in place. We are concerned particularly about any effort by industry or others to reduce protections in place now by calling for a "risk assessment" of the marine safety system at the Port of Valdez and Prince William Sound. We believe as you appear to believe by virtue of your resolutions, and as most Alaskans do, that our state and the nation have already gone through a risk assessment in 1989 . . . the Exxon Valdez oil spill.

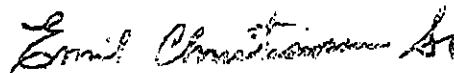
To weaken the current system that is working so well would be indefensible. Given that that system is the best insurance policy the public and industry could devise, we hope the oil industry will concur with the intent of your resolutions. Anyone who attempts to weaken the current system would be placing the entire region in serious jeopardy once again. Therefore, we urge you to be steadfast in keeping your resolutions strong and in doing so to protect the natural resources, communities, and the economy of the entire region.

On behalf of the shareholders of our village corporation, thank you for your leadership and the wisdom and judgment of those who join you in seeking passage of Senate Joint Resolution 11 and House Joint Resolution 19. We strongly support your efforts to obtain passage by the Alaska State Legislature of these resolutions.

Best regards.

Sincerely,

OLD HARBOR NATIVE CORPORATION



Emil Christiansen Sr.
President

- cc: Kodiak Island Borough Assembly
- City Council, Kodiak, Alaska
- Dr. Sven Haakanson Jr., Director, Alutiiq Museum and Repository
- Kodiak Area Aquaculture Association
- Kodiak Island Convention and Visitors Bureau
- Kodiak Chamber of Commerce
- Kodiak Area Native Association
- Kodiak Village Mayors Association
- Mayor, Old Harbor, Alaska
- Board of Directors, Old Harbor Native Corporation

Kodiak Chamber of Commerce

RESOLUTION NUMBER 03-09-01

**A RESOLUTION OF THE KODIAK CHAMBER OF COMMERCE SUPPORTING
SENATE JOINT RESOLUTION 11 AND HOUSE JOINT RESOLUTION 19
REQUIRING OIL TANKER VESSELS BE ACCOMPANIED BY TWO VESSEL
ESCORTS**

WHEREAS, the Kodiak Chamber of Commerce is dedicated to Kodiak's future; and.

WHEREAS, lessons from the past are helpful in planning for the future; and

WHEREAS, in 1989 the Kodiak community was traumatized by the Exxon Valdez Oil Spill; and

WHEREAS, since 1989 the practice of requiring a two vessel escort for tankers in Prince William Sound has contributed to no other oil spills in Prince William Sound; and

WHEREAS, in Senate Joint Resolution 11 and House Joint Resolution 19, the Alaska Legislature has an opportunity to inform the appropriate officials and companies that the practice of requiring a two vessel escort for tankers should continue; and

WHEREAS, the Kodiak community should not be subjected to another oil spill.

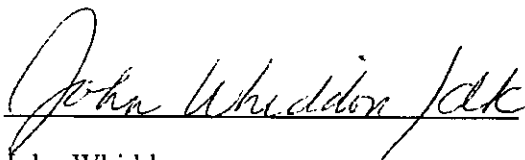
NOW, THEREFORE, BE IT RESOLVED the Kodiak Chamber of Commerce encourages the Alaska Legislature to pass SJR 11 or HJR 19.

Passed and approved by the Board of Directors of the Kodiak Chamber of Commerce this 6th day of March 2009.

Signed this 6th day of March 2009.

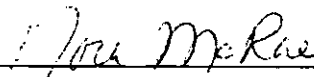
KODIAK CHAMBER OF COMMERCE

ATTEST:



John Whiddon

President



Nora McRae

Secretary to the Board

Sec. 46.04.030. Oil discharge prevention and contingency plans.

[Extracted from Alaska Statutes]

(a) A person may not cause or permit the operation of an oil terminal facility in the state unless an oil discharge prevention and contingency plan for the facility has been approved by the department and the person is in compliance with the plan.

(b) A person may not cause or permit the operation of a pipeline or an exploration or production facility in the state unless an oil discharge prevention and contingency plan for the pipeline or facility has been approved by the department and the person is in compliance with the plan.

(c) Except as provided in (n) of this section, a person may not operate a tank vessel or an oil barge within the waters of the state, or cause or permit the transfer of oil to or from a tank vessel or an oil barge, unless an oil discharge prevention and contingency plan for the tank vessel or oil barge has been approved by the department and the person is in compliance with the plan.

(d) Upon approval of a contingency plan, the department shall issue to the plan holder a certificate stating that the contingency plan has been approved by the department. The certificate must include the name of the facility, pipeline, tank vessel, or oil barge for which it is issued, the effective date of the contingency plan, and the date by which the contingency plan must be submitted for renewal. A contingency plan must be submitted for renewal every five years.

(e) The department may attach reasonable terms and conditions to its approval or modification of a contingency plan that the department determines are necessary to ensure that the applicant for a contingency plan has access to sufficient resources to protect environmentally sensitive areas and to contain, clean up, and mitigate potential oil discharges from the facility or vessel as provided in (k) of this section, and to ensure that the applicant complies with the contingency plan. If a contingency plan submitted to the department for approval relies on the services of an oil spill primary response action contractor, the department may not approve the contingency plan unless the primary response action contractor is registered and approved under AS 46.04.035. The contingency plan must provide for the use by the applicant of the best technology that was available at the time the contingency plan was submitted or renewed. The department shall identify the prevention and response technologies that are subject to a best available technology determination. The department may find that any technology meeting the response planning standards in (k) of this section or a prevention performance standard established under AS 46.04.070 is the best available technology. The department may prepare findings and maintain a list of those technologies that are considered the best available. The department may require an applicant or holder of an approved contingency plan to take steps necessary to demonstrate the applicant's or holder's ability to carry out the contingency plan, including

- (1) periodic training;
- (2) response team exercises; and
- (3) verifying access to inventories of equipment, supplies, and personnel identified as available in the approved contingency plan.

(f) Upon request of a plan holder or on the department's own initiative, the department, after notice and opportunity for hearing, may modify its approval of a

contingency plan if the department determines that a change has occurred in the operation of a facility or vessel necessitating an amended or supplemented plan, or the operator's discharge experience demonstrates a necessity for modification. The department, after notice and opportunity for hearing, may revoke its approval of a contingency plan if the department determines that

- (1) approval was obtained by fraud or misrepresentation;
- (2) the operator does not have access to the quality or quantity of resources identified in the plan;
- (3) a term or condition of approval or modification has been violated; or
- (4) the person is not in compliance with the contingency plan and the deficiency materially affects the plan holder's response capability.

Oil Pollution Act of 1990

FACT SHEET

Overview

The federal Oil Pollution Act of 1990 (OPA 90) addresses oil spill prevention, response, and liability and compensation should spills occur. OPA 90 is one of two guiding documents under which Prince William Sound Regional Citizens' Advisory Council operates.

Creation of the Oil Pollution Act of 1990 was fueled by the *Exxon Valdez* oil spill of March 24, 1989, in which 11 million gallons of Alaskan crude oil leaked into Prince William Sound waters when the tanker grounded. It soon became apparent that response resources, especially federal funds, were lacking, and that required compensation to those affected was not enough under federal law. One of the most important results of the oil spill was the enactment of OPA 90, which addressed both of these deficiencies.

OPA 90 amended the Clean Water Act and addressed the wide range of problems associated with preventing, responding to, and paying for oil pollution incidents in navigable waters of the United States.



Workers used high-pressure, hot-water washing to clean an oiled shoreline in Prince William Sound after the 1989 Exxon Valdez oil spill. (NOAA photo)

The act significantly increased federal oversight of maritime oil transportation, while providing greater environmental safeguards.

OPA 90 also required Alyeska Pipeline Service Co. to establish and fund a citizens' advisory group. Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) is certified as the program for Prince William Sound. Cook Inlet Regional Citizens' Advisory Council was established for Alaska's Cook Inlet region. Many people involved in the establishment of the Prince William Sound council also actively promoted citizen involvement provisions in OPA 90.

These oversight groups are designed to promote partnership and cooperation among local citizens, industry, and government, and to provide citizen oversight of environmental compliance by oil terminals and tankers.



TOP: Oil remaining on the Exxon Valdez is transferred to another vessel. (NOAA photo)

CENTER and BOTTOM: Commercial fishermen removed buckets of oil by hand from Knight Island in Prince William Sound during the Exxon Valdez oil spill clean-up effort. (Photos by Tom Copeland)

see also:

www.pwsrcac.org/about/index.html
www.pwsrcac.org/docs/d0000200.pdf

Prince William Sound Regional Citizens' Advisory Council ~ Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers.



VALDEZ: PO Box 3089 / 130 S. Meals, Ste. 202, Valdez AK 99686 ~ toll-free: 877.478.7221 ph: 907.834.5000 fax: 907.835.5926
 ANCHORAGE: 3709 Spenard Rd., Ste. 100, Anchorage, AK 99503 ~ toll-free: 800.478.7221 ph: 907.277.7222 fax: 907.277.4523

www.pwsrcac.org ~ see other PWSRCAC fact sheets at www.pwsrcac.org/resources/factsheet.html

Donna Schantz

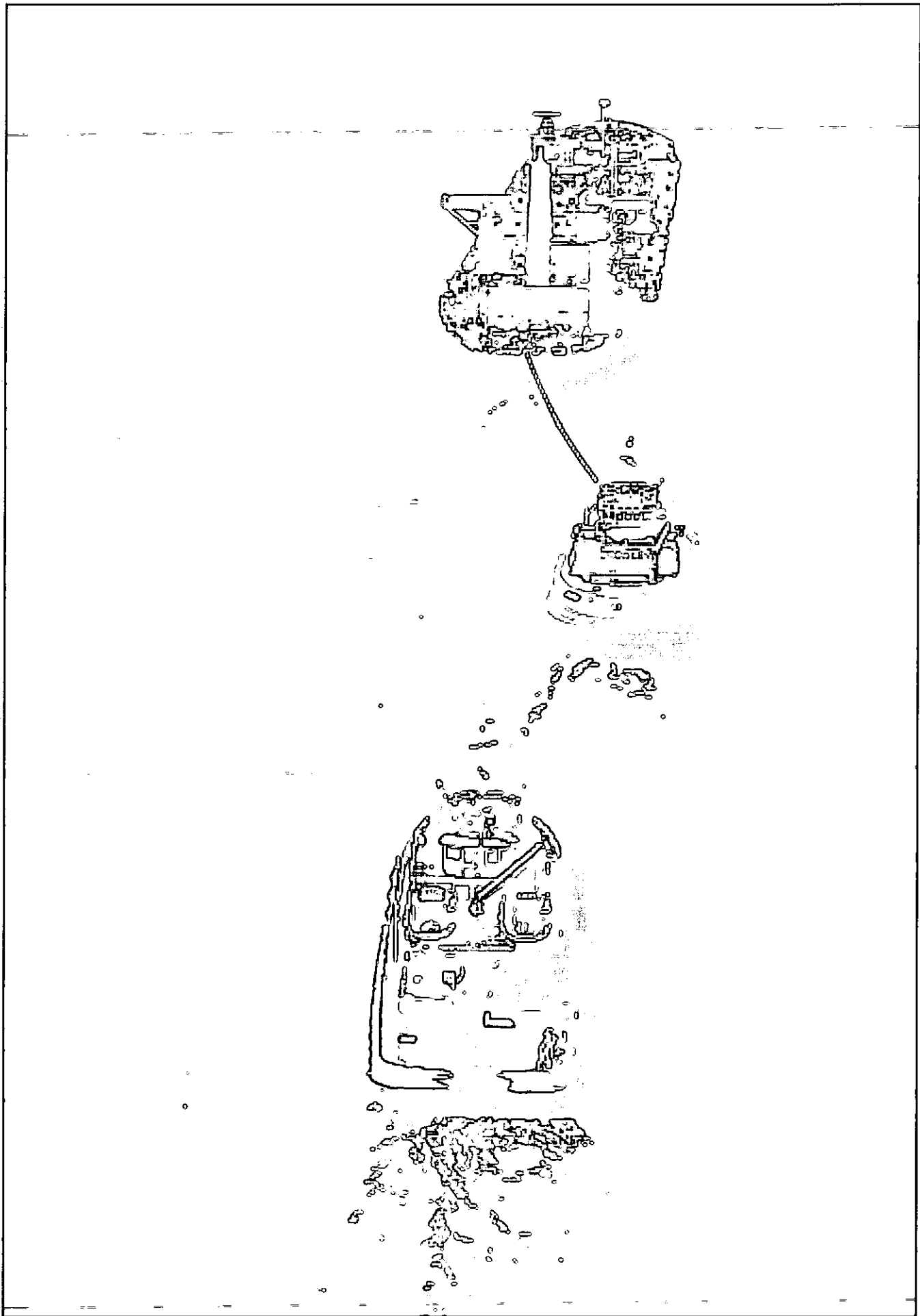
From: Donna Schantz
Sent: Thursday, March 05, 2009 1:41 PM
To: Lawn, Dan; Stephens, Stan
Cc: Jacquelyn Olson
Subject: Tanker saves in PWS

Here's the list of tanker saves in PWS that Chris Jones put together last fall. Joel is working to make sure all incidents are captured. Do either of you remember any other incidents?

1. July 10, 2001- *Chevron Mississippi* nearly collides with the F/V *Orion* due to communication failure in the Valdez Narrows.
2. Oct 10 2002- *Kenai* is outbound near Schooner rocks in Hinchinbrook Entrance, suffers propulsion trouble, tanker master calls for tug assistance, then shuts down engines.
3. November 10, 1995- *Kenai* suffers near grounding at Middle Rock in the Valdez Narrows after the vessel strayed out of the shipping lanes and came to within ½ ship length of grounding.
4. October 20, 1992- *Kenai* experiences propulsion trouble and drifts to within 100 yards of Middle Rock before tug saves tanker and brings back on course.
5. March 4, 1992- *Exxon North Slope* suffers propulsion problem, upon entering the Sound is escorted to Knowles Head anchorage.
6. September 20, 1989- *BP Atigun Pass* loses power near Bligh Reef, escort vessel holds tanker in shipping lanes until power is regained.
7. July 31, 1989- *Mobil Arctic* suffered gyrocompass failure, requested help from escort vessel because fog had caused master to lose his bearings.

Donna Schantz

Acting Executive Director
Prince William Sound Regional Citizens' Advisory Council
130 S. Meals Suite 202 / P.O. Box 3089
Valdez, AK 99686
ph: 907-834-5000
www.pwsrccac.org



Dual tug escort configuration, Prince William Sound




Representative Alan Austerman

Alaska State Legislature

MEMORANDUM

To: Representative Craig Johnson, Co-Chair
Representative Mark Neuman, Co-Chair
House Resources Committee

From: Representative Alan Austerman 

Date: February 27, 2009

RE: House Joint Resolution 19—Request for Hearing

House Joint Resolution 19 is a resolution recognizing the 20th anniversary of the Exxon Valdez oil spill and supporting the continued practice of accompanying each oil tanker through Prince William Sound with at least a two vessel escort.

I am requesting a hearing for HJR 19 at your earliest convenience. Attached you will find a copy of HJR19. I have also provided my sponsor summary. I will provide additional backup as it becomes available.

Please let Erin Harrington of my staff know if there is anything else we can provide. Thank you for your consideration.

~ Representing Alaska State House District 36 ~

Akhiok | Igiugig | Iliamna | Karluk | Kodiak | Kokhanok | Larsen Bay | Levelock
Newhalen | Nondalton | Old Harbor | Ouzinkie | Pedro Bay | Port Alsworth | Port Lions