

Alaska Oil Spill Commission

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ALASKA OIL SPILL COMMISSION

July 15, 1989

Location: Homer, Alaska

OIL SPILL COMMISSION MEMBERS

Walter B. Parker, Chairman

Esther C. Wunnicke, Vice-Chairman

Margaret J. Hayes

Michael J. Herz

John Sund

Timothy Wallis

Edward Wenk, Jr.

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1 (Tape #1 - 07/15/89 - Side A)

2 (On the Record)

3 MR. PARKER: Good morning. The Alaska Oil Spill
4 Commission will convene the Homer Meeting, July 15th. I
5 would like to introduce the Commissioners. I am Walt
6 Parker, the chairman of the Commission. On my far left
7 is Ed Wenk. Next to Ed is Meg Hayes. On my immediate
8 left is Tim Wallis. On my far right, John Sund, and next
9 to John, Vice-Chairman, Esther Wunnicke.

10 Commissioner Mike Herz is not with us today. He
11 had to return to San Francisco. Our schedule today is
12 that at 9:30 the Mayor of Homer, John Calhoun, at 10:00
13 the Multi-Agency Coordinating Committee, the Chair, Mike
14 Hedrick, followed by Admiral Robbins, the onscene co-
15 ordinator. At 12:00 we will break for lunch. At 1:00 we
16 will hear from -- we are scheduled for the Cook Inlet
17 Driftnetters, Kenai Peninsula Fishermen's Association,
18 Cook Inlet Seiners, North Pacific Fisheries Association.
19 At 2:00 the Community Health Director of the City of
20 Homer, Dr. Brad Williams and 2:30 we will have public
21 participation.

22 The purpose of the Oil Spill Commission was
23 formed by the Alaska Legislature and appointed by the
23 Governor to provide by January 8 to the legislature a
25 report which recommends improvements to the system for

1 carrying crude oil and other petroleum products by sea
2 and by river. And, or improving response to any
3 casualties to any oil tank vessels.

4 We are also required to provide a history of the
5 events leading up to the Exxon Valdez grounding and
6 subsequent oil spill. All this may seem to be a
7 relevantly simple charge, it will prove to be very
8 complex, because if we are going to make any
9 improvements, of course, we are going to have to examine
10 all facets of the systems, including the management
11 systems, both private and public that govern the
12 operations of oil tank vessels.

13 Do any of the Commisioners wish to make any
14 comments at this time before we proceed? Ed?

15 MR. WENK: Well, very briefly. I am one of the
16 two individuals from outside who have the privilege to
17 serve and I just thought I would take one minute, Mr.
18 Chairman, to elaborate on your introduction.

19 To set the stage in terms of how we are going
20 about this task. Let me just say by way of perspective,
21 even though this event occured in Alaska, the
22 repercussions extend to the Lower 48 and maybe beyond and
23 it isn't simply repercussion in terms of the price of oil
23 that went up the week later.

25 The lessons to be learned from this inquiry, I

1 think, have far reaching potential and I believe that
2 motivates every single one of us on this Commission to
3 give it our best shot.

4 What we are doing in meetings like this one is to
5 collect information to build a data base and if we can
6 use a medical metaphor, it's like trying to identify the
7 symptoms of some disease which is in the medical
8 literature, but is happily not visited on us very often.
9 That means we are going to have to do some boning up on
10 our medicine as well. Once we understand the symptoms
11 better, the next usual steps, diagnosis, and hopefully
12 some prescription of this never happening again. To me
13 the challenge for this Commission having no axe to grind,
14 and I believe having a determination to look at every
15 fact, to keep an open mind, is to come up with some
16 actional recommendations. This is not another report to
17 collect dust someplace. And, these maybe recommendations
18 for action at a legislative level in this State. It
19 maybe other states, it maybe the Federal Government, but
20 it extends even to the International community, where we
21 discover and, you know this. Some of you are specialist
22 -- that even the design the ships is often set in an
23 international forum.

23 Thank you.

25 MR. PARKER: Okay. Thank you, Ed. Anyone else?

1 Is Mayor Calhoun here, yet?

2 MAYOR CALHOUN: Yes, sir.

3 MR. PARKER: Oh, we may as well get underway,
4 Mayor. I've been pushing the Commissioners hard to get
5 out to the communities as fast as the rest of their lives
6 would let them and we have been to Valdez, Cordova and
7 Seward yesterday, Homer today and will go to Kodiak later
8 in the month or in the first part of August. We are most
9 interested in hearing what each community's response has
10 been to the spill, how they view the impacts right now
11 and you know, urging them to keep as good a record as
12 they are capable of so that we can incorporate the
13 pertinent section of what happen to each community into
14 our report.

15 MAYOR CALHOUN: Bascially, a lot of what I have
16 to say is redundant from what you hve heard in other
17 communities, but I'll go over it anyway.

18 MR. PARKER: Well, each is very different.

19 MAYOR CALHOUN: Alright. When the incident
20 first occurred there was 400 miles and everybody was
21 concerned about it. We were concerned particularly
22 locally because we have a lot of fishermen that fish in
23 Prince William Sound. But, there was never, in my mind
23 at least initially, any thought that the oil could spread
25 as far as it did. Shortly after the spill it became ob-

1 vious it was going to leave the sound and the current
2 maps -- once it left the Sound it initially indicated it
3 would head out into the open gulf. This appeared like it
4 wasn't going to occur. And, the maps from there would,
5 naturally take it into the Inlet, and possibly ^{Katchemak} catch
6 McBay under the right conditions. And, at this point in
7 time it became just more than just a concern of the
8 community for people that fished or worked in those
9 areas. We saw some immediate threats to the community of
10 Homer. And, I guess I can expand on that quite a bit to
11 ~~catch McBay~~. Because, even though it's outside of our
12 jurisdiction, we are still -- where many of the
13 communities come to and look to as a focal point of a
14 service area, you might say.

15 The initial concern was how do we protect the
16 Bay? And this was something that was totally foriegn to
17 most of us. Oil spills of this magnitude -- initially
18 everybody thought 'well, gee just boom everything that's
19 -- you know, that's possibly threatened and then within a
20 matter of a couple of days the education really began to
21 grow and we found out that there are a lot of areas you
22 can't protect from booming. The biggest problems here
23 being we have very large tide differentials, which means
23 very sweeping currents in and out of the bays and coves,
25 mouths, rivers and streams. So, the first thing that was

1 done was an incident command team was brought in which
2 was from Department of Interior, but all it could do was
3 basically set down a backbone for what needed to be done.
4 There wasn't money there to do the things that needed to
5 be done as far as protection went. This was coupled with
6 a multi-agency coordinating group which was comprised of
7 several state agencies. Some of the federal agencies
8 that would be involved in the spill.

9 But, again, there was lack of money. And, you
10 know, the people you saw here from the agencies were
11 people that normally had jobs doing something else.
12 Whether it was a Park Ranger or taking care of other
13 problems that DEC might have and I don't think anybody in
14 any agency is going to jump up and say 'well, we had
15 spare staff'. So, these were people that were pulled
16 away from there regular jobs to come in here to do this.
17 In addition to that they didn't have spare budget,
18 either. And, again, this placed it back where it was
19 very frustrating to the people of the community that
20 these groups could not do anything. Couldn't make
21 anything happen. They could talk about it a lot, but
22 they couldn't make anything happen. So, the next move
23 was to try to bring Exxon here. Because Exxon was in
23 charge of the spill. Exxon was in charge of the
25 containment and ultimately in charge of the clean up.

1 And, Exxon was reluctant to come. And, I'm not sure why.
2 Possibly they viewed it the same way we did initially.
3 You know, it's 400 miles away.

4 MS. WUNNICKE: What would be the time frame?

5 MAYOR: You know it all kind of blurs together,
6 but I think we are probably looking at 3 weeks after the
7 spill when Exxon finally did come. That was brought
8 about, I think, primarily due to political pressure that
9 was brought through the Governor's office in our own
10 local representatives.

11 The net result of this was Exxon did come and the
12 first person they sent was Public Relations. This didn't
13 help a whole lot. It did give people somebody to yell at
14 and somebody to, you know, take their anxieties out on.
15 But, it didn't solve the problem. Their anxieties
16 remained. And, they sent in people bascially to come in
17 and start an organized effort. One of the frustrations
18 that seem to continually occur was the slowness of Exxon
19 to respond. Throughout the earlier days of this they
20 continually told us there was no commerical boom
21 available. And, subsequently what I have been told is
22 that somebody asked where all this boom is going now that
23 they are taking it back down here and they said well it's
23 being sent to Valdez to be cleaned and then it's going
25 back to it's original owners. Well, I think what they

1 might have meant when they said there was no commerical
2 boom available was they couldn't find any to borrow as
3 readily as they'd like. Because continually from a
4 multi-agency group, private citizens were coming up with
5 lists of people that had commerical boom for sale. And,
6 in fact, at one point in time when they told us there was
7 none, Mayor Gillman and I picked up the phone and had
8 boom on the plane in an hour.

9 This, I think, basically is what we saw
10 continually was a lack of defined responsiveness -- well,
11 the... And, I want to talk a little bit about that, if I
12 maybe digress for just a minute. Becuase, I think it's
13 one of the most important things. Corporations have one
14 function. And that's to make a profit. And there's
15 nothing wrong with that. That's what's made this country
16 very stong is private enterprise system. But, in order
17 to have a playing field with other corporations, there's
18 not a whole lot of room for social conscience. If you
19 want to take certain efforts and you want to have an oil
20 spill protection plan that is really good, then you are
21 going to have it in place. But, the other companies
22 aren't. And you have a responsibility to your
23 stockholders, so you say Okay we can't do that. That's
23 why we have regulatory agencies. That's why we have the
25 EPA. That's why we have OSHA. That's why we have labor

1 unions. It's because corporations have not had the
2 benefit of social conscience. And we've had to have
3 agencies that come in and say 'okay, here's the level of
4 playing field, you all start on, here's where it all
5 begins'.

6 I think that's the thing that needs to be looked
7 forward to in the future. You will not prevent tankers
8 from going aground. You can't control storms. You can't
9 control weather. You can't make a ship that won't go
10 down. You can't control human error. You can try to
11 corral those things a little bit and you can try to
12 mitigate them someway. But, you will never make anything
13 completely foolproof. And, I think if that becomes a
14 cost of extracting oil, if that becomes a cost of the
15 industry, if that's a cost we have to pay everytime we
16 buy a plastic cup or everytime we buy gasoline at the
17 service station -- that cost of mitigating the potential
18 damage to our environment, then that's what it is going
19 to take if we are going to leave anything behind here.
20 And, I think it's going to take groups like yours coming
21 back with those kind of recommendations and saying there
22 has to be firm guidelines.

23 Had Exxon put out the effort that they have put
23 out today, initially recognized that they had to put out
25 the same effort that they have put out today, most of the

1 oil would have never left the Sound.

2 To go further with this, I guess, the -- I
3 haven't seen this change. We have a September 15th
4 deadline coming. I think one of the biggest impacts in
5 this community, economically has been on the fishermen.
6 And, you'll see how this fits together in a second. Some
7 of the fishermen have leased their boats, leased skiffs
8 to Exxon and some of them are having a better year than
9 they've ever had. Some of them haven't. Some of them
10 haven't been able to. Some has refused to as a matter of
11 principle. The net result is they shouldn't have to.
12 These people are fishermen for a living. They are
13 fishermen by choice. I think it's more than an
14 occupation. I think it's a religion. That is where the
15 economic crunch is. On those people that are not, or
16 will not, work with the oil companies, now. But, if
17 Exxon is allowed to leave on September 15th, the winter
18 storm will remove alot of this oil. And, I'm sure that's
19 what -- in my opinion, that is what they are hoping for.
20 And next spring we'll come in with a team of ecologist
21 that walk up and down the beach and say, 'boy, if you do
22 anymore of these beaches to clean 'em up, you are going
23 to do more damage than you are good'. And they're
23 probably correct in the immediate sense. But, everytime
25 we get a high tide, everytime we get a storm we are going

1 to lift more oil, we are going to have a brand new oil
2 spill. And what's that going to do to next year's
3 economy for the fishermen? When Exxon is not here to
4 hire most of them. When Exxon is not here ready to make
5 at least partial settlements when you get a Post Office
6 Box in the attorney's name where you can send your claim
7 back in Houston or New York, or some place else. I
8 think, that again is another serious area, is, what is
9 going to happen September 15th? Are we going to take it
10 over as a state and ^{bill} build the oil company later? Is the
11 Federal Government going to fund this when we ^{bill} build the
12 oil companies later?

13 There's some concern about that. Well, gee, you
14 know, these are tax dollars. These are public dollars.
15 Hell, when you've got a company as big as Exxon it's
16 public dollars, too. And maybe that's the cost of living
17 here. To protect the environment. Maybe that is
18 something that has to come out of your tax dollars.
19 Maybe it's something that has to come out of your
20 permanent fund check.

21 I am not -- never have been a greeny. But I'm
22 becoming one hell of an environmentalist out of this.
23 It's really made me give a lot of thought to what legacy
23 we are going to leave behind and what steps we take now
25 as to whether or not we will have a progressive civiliza-

1 tion 100 years from now.

2 Back to the community. I think the solid
3 community goes through a crisis phase. Oil ultimately
4 did reach Katchemak Bay. Small quantities -- Exxon,
5 through their sub-contractors provided probably as good a
6 response as could have been provided as far cleaning it
7 us goes. That boils down to walking up and down the
8 beach with shovels and plastic bags and catching small
9 patties that come up at high tide. There has been some
10 criticism on this by some agencies that this has very
11 little bang to the buck. You don't get a lot of oil for
12 the amount of beach you have to patrol. To our
13 community, it's a lot of bang to the buck. We have
14 second industry to fishing is tourism. And, people
15 don't want to park their Winnebagos and have their dog go
16 back through a bathtub ring of oil and get back in the
17 Winnebago.

18 It has a tremendous impact to this community that
19 we keep the beaches as protected as possible. And when
20 you put it in -- translate it into those economic terms,
21 it has a big bang to the buck.

22 Once the oil reached here, and I think the people
23 began to feel the magnitude of it as not being as great
23 as we had feared most of it had turned to towards Kodiak,
25 I think we went more into a work phase. Out of the

1 crisis and into a maintenance phase perhaps. We still
2 hear the complaints of frustrations of the clean up
3 efforts not being adequate or they are not working well.
4 In that sense, those things are -- where those things are
5 happening are outside of my perview and I'm sure there
6 are people who are going to testify here today that will
7 discuss that in a lot more detail.

8 The work situation in the community which I don't
9 think we have been impacted as hard perhaps as Seward or
10 as Valdez, in the sense of having a lot of transients
11 coming in looking for work. We always have transients
12 come in looking for work. That's part of summer in
13 Homer. Police incidents are up considerably. So, I know
14 there are more, but it's not -- I don't see it as bad as
15 what I hear John Devons tell me from Valdez.

16 I think this is a case right now where we do find
17 that there are still worker shortages. A lot of people
18 have left the 5, 6, 7 dollar an hour jobs and gone out to
19 work in the oil spills. And, I guess that takes me to
20 the next area of concern. Is what happens in October?
21 It may not be an immediate concern of this Commission,
22 but it is certainly part of the overview. What happens
23 in October when people who have been making thousands of
23 dollars a month come home and all of a sudden their focus
25 is no longer on that oil spill? There are a lot of

1 things they've seen, a lot of anxieties they have been
2 through and there is going to be little preparation to
3 debrief them. Little education to inform them that hey
4 you could have some real mental problems with these
5 things. And we are going to get into cabin fever and
6 they are going to be out of money and their \$5.00 an hour
7 jobs are going to be held by somebody else. I think it's
8 going to be a tough winter for a lot of people here.
9 Financially, mentally.

10 One of the things that I think we need to bring out
11 a little bit along the lines of mental health is -- I
12 know what happened to me personally after I had been
13 working on it for about a month, I just flat hit the wall
14 and could not deal with it. It took staying away from it
15 for a couple of months - month and a half. Some
16 counselling to get debriefed. And, it just totally
17 shocked me. I thought I was the most stable person in
18 the world and something like this would never happen.
19 And, I knew they had a counselling program, but I figured
20 'yeah, I'm sure there's a lot of people real upset about
21 birds' or something like this and that's what this is
22 for. Well, it turns out that wasn't the case and I guess
23 I wasn't the first person there, because when I got
23 there, just in the course of conversation of asking me
25 about some of my problems, he already knew some of the

1 people that were causing my anxieties. So, I don't think
2 I was the first person there.

3 What they said was that it is very difficult in a
4 crisis situation to deal with it closely for over 21
5 days. That's some magic number. I don't know where it
6 comes from and I've been in it for thirty. I know
7 there's some people here that's been in it a lot longer
8 than that. Some agencies are a little more fortunate and
9 have been able to rotate out. But, most of the people
10 that are dealing with it which fuels the problem, even
11 more so, or people who are used to getting things done.
12 They are in an authoratative capacity and all of a sudden
13 this situation is bigger than they are. They have no
14 control, worst than that they don't have any say. They
15 can't make things happen. They are not in charge and
16 when things don't happen the way they think they should
17 happen it adds to that frustration. Makes it very, very
18 difficult for these people.

19 Crisis tend to, and I'm not an expert, I'm just
20 repeating what I've been told, tend to amplify
21 personalities. If you are a jerk and you get a crisis,
22 you're gonna be a real jerk. You may not get along with
23 your wife, you get a real crisis, you are gonna knock her
23 around, or vice versa.

25 These are the kinds of things that our communities

1 are dealing with. We are seeing a higher incidence of
2 mental health problems. We are seeing a higher incidence
3 at the Crisis Center. Alcoholism will increase and we
4 are going to see more of that this Fall when people
5 return from that work. We are going to see people that
6 have a little guilt feeling, but don't know how to
7 express it or bring it out. And we are going to have to
8 deal with that this Fall. We are dealing with it to some
9 extent now.

10 I think that's one of the biggest impacts that's
11 going to be on this community. There's been a lot of
12 grief. I think one of the best expressions of it was
13 expressed by a member of the Coast Guard to me. A fellow
14 came in to see him and said that his boat had just been
15 laid off and it was Coast Guard certified and yet they
16 had boats out there working that weren't Coast Guard
17 certified. And, why were they being allowed to work?
18 Yesterday when he was working those boats were fine.
19 Today they are not seaworthy. And, I think there is
20 example after example, after example.

21 A lot of people made a lot of money on this and
22 there's nothing wrong with that. A lot of people
23 profiteered on it. That's bad. A lot of people have
23 been willing to lay their body down if that's what it
25 took to protect the Bay. And a lot of people would steal

1 the resources that were there. Irrespective of the
2 welfare of the community. And I think that has driven
3 some real wedges between people in this community and it
4 is going to create a lot of feelings that are going to
5 last for a long time.

6 The last issue I want to deal with you with is
7 back to this issue of the responsiveness. And, whether
8 it is done through a Federal Agency, whether it is done
9 through a State Agency, whether it is done by a mandatory
10 regulation of the oil industry, we must have the ability
11 to respond. And I don't think it can be the oil company
12 that is in charge. Because, again, we are back to
13 profit.

14 I got a citation from one of the guys here from
15 DEC for \$100,000.00 for an oil spill. We have a waste
16 oil receptacle out on the Spit and bascially it was
17 involved with the oil that was spilled around that and it
18 was buried and whatnot. And it wasn't the City of Homer
19 that got a \$100,000.00 citation, it was John Calhoun,
20 personally. Do you know how quick that got cleaned up.
21 It didn't take long at all to clean that up. And I don't
22 even know what it costs. But, it sure didn't cost
23 \$100,000.00 and it sure as hell didn't cost my
23 \$100,00.00. There was some real motivation to get
25 something done. When you have a spill that is going to

1 cost hundreds of millions of dollars to clean up, and to
2 rectify as best you can all the nature surroundings,
3 restitution to all the people that have been empacted,
4 you cannot make a fine large enough or issue a citation
5 large enough that would cover that. The profit
6 motivation says do as little as we can, let's get the
7 hell out of here. Boy, that was a real bust.

8 It isn't a matter of 'God, if we don't clean this
9 up we are going to get a citation that's bigger than the
10 problem. We are going to be fined with a fine that's
11 larger than it's going to cost us go in there and do it
12 right'. And becuase of that, and I am not trying to
13 single out Exxon, and again, there's nothing wrong with
14 businesses making profits. It has made this country
15 strong. But, you have to establish for them a level
16 playing field.

17 I am in the construction industry. We deal with
18 it everyday. When we bid a job, they hand us a set of
19 specks and they say here's the playing field here's where
20 you start. We pay the wages, here's the level playing
21 field. Here's where you start you don't leverage the
22 worker. Here are the safety regulations. You don't
23 leverage the worker's safety in order to make your
23 profit. In order to do the job cheaper than the other
25 company. You have a level playing field you start with

1 and you all do it the same way. If you want to make a
2 profit, then it's up to your innovation and it's up to
3 your own greed factor as to how large a profit you have
4 to have and still be competitive.

5 But all that is regulated before we receive the
6 contract. It's all regulated before we go to work. And
7 I don't like bureaurocociies at all and that may seem a
8 little strange being in government, but maybe because I
9 am in government I've seen more than my share of them.
10 From both sides of it. But, that's what it is going to
11 take. There has to be, whether it's the Coast Guard,
12 whether it's a joint group, whatever it is. They have
13 to be the ones in charge and if it's the result of taking
14 my tax dollar to do it, then that's what it is. If it's
15 a result of taking my permanent fund to do it, then
16 that's what it is. That is going to be the cost of doing
17 business. That is going to be the cost of having oil for
18 natural resources that we need in this nation and we are
19 going to have to pay it. If we want to protect what
20 we've got.

21 That's all I've got.

22 MR. PARKER: Thank you, Mayor, for some very
23 gripping, incisive statements. From what we have heard
23 from you and what we have heard in the other communities,
25 why, I'm convinced that, you know, the empact is certain-

1 ly still building in the sense you have described it and
2 that it will be a very tough winter and I have been
3 conveying that to the Governor and the Mini-Cabinet as my
4 own personal perceptions of what is happening, because it
5 is general to most -- to all the communities it is going
6 to be stronger obviously than some of the others.

7 Questions from Commissioner? John?

8 MR. SUND: Thank you very much, Mayor, I
9 appreciate your comments. As much as you may think that
10 since we've been to three other cities, we've heard the
11 same thing. We have not heard the samething in any one
12 of the cities. So, your comments are different. Maybe
13 not in general terms, but they are a little bit
14 different.

15 A couple of reflections, a little bit on what you
16 commented on, I guess. We have tossed around the idea of
17 how do you prevent this event, you know, and there's a
18 lot of discussion on how to respond better to the spill.
19 How do we get better organized next time and how do we
20 clean up the oil faster. How do we contain it better.
21 Those items -- I'm not sure, we had some testimony in
22 Anchorage from some people studying this issue from
23 outside -- I guess. PHD's from George Washington and
23 MIT. And they laid some pretty cold hard facts on the
25 table. And they said, you know, you have your exposure

1 of risk of what happened is about what's going to happen
2 if it happens. No matter how good your clean up is or
3 how good your containment is or whatever. It won't get
4 any better. The ship hit the rock. It only discharged
5 20% of its cargo, which was probably within the design
6 criteria of the ship. In the best clean up methodology
7 in the world the most optimum clean up, the most oil ever
8 been picked up in the spill is 20%. So you dump 11
9 millions gallons and the best you can hope to get is 9
10 million or 2 million -- you got 9 million left and the
11 rest of it is going to happen. And, that's about what
12 happened here. I don't think they got 2 million gallons
13 up before it hit the beaches. So, with current
14 technology -- and that's if everything goes right. The
15 same thing is going to occur. So, my question, I guess,
16 goes to the other side of it. How do you reduce your
17 exposure to that risk? How do you lessen the chances of
18 the event from happening? And, we haven't heard a lot of
19 discussion on it, but I mean, it gets into obvious tanker
20 design, if you want to have tankers, and crewing and
21 manning and escort vessels.

22 And you've commented a little bit, you know, that
23 you're willing to pay the price whatever it is to make
23 this safe. And, I appreciate that. I haven't heard that
25 too much from the people really in it. I have heard

1 people talking about wanting to change the designer ships
2 or make the ships smaller or do other things with it.
3 But, in the real cost of it, I think the cost being born
4 is being born by the people in the immediate area. You
5 know, the people in Prince William Sound and the people
6 in the State of Alaska. Bearing the costs of this spill
7 in terms of the impact of the environment. Yet those
8 people don't seem to have very much to say in the risk
9 that they are exposed to. I don't think anybody here had
10 anything to say about how that ship was designed.
11 Whether it should have a double hull on it or not.
12 Although the testimony we had from Admiral Kime in Valdez
13 said if it had a double hull it would have probably
14 reduced the spill by 40 to 50%. And you probably would
15 have had half the amount of oil to deal with. And I
16 guess my question to you is do you feel that people in
17 the area, the people that are going to eat oil at the end
18 should have anything to say about the type of risks that
19 they are being exposed to?

20 MAYOR CALHOUN: Well, I think in a certain sense
21 they always have. The problem is we haven't always known
22 the right questions to ask. Or they have been -- we are
23 dealing in an area, I mean, that's why I'm not going to
23 say 'here's how you do it'. Here, double hulls -- that's
25 the answer. I mean you and I can fill this room with

1 volumes that will go both sides of it.

2 I'm not going to tell you. I'm not an expert.
3 And that's the problem where I think the people have had
4 their say. At the NTSB hearings the question was brought
5 up about the Alyeska plan. This was only an example.
6 You know, I mean this was an hypothetical case. It
7 didnt' have anything to do with 15 hours or whatever it
8 was. And finally after the guy from Alyeska, the
9 engineer had been pressured enough, he said, we knew
10 there was no way we could ever protect your beaches. If
11 we had a major spill the oil was gonna hit your beaches.
12 You know, let's be realistic. That's probably very
13 correct. But, when they wanted to put the terminal at
14 Valdez and the Prince William Sound fishermen raised hell
15 about it, they pulled this same plan and they said you
16 are protected. And the fishermen weren't bright enough
17 to know the right questions to ask. They weren't the
18 experts in oil, they were the experts in oil spill
19 technology, and they were told, you're safe, you're
20 protected. the public input doesn't do us any good if we
21 don't understand the technology of it. We have to have
22 people that are experts that we can trust making those
23 decisions. Public input should certainly be a part of
23 it, but it's going to take experts that are representing
25 the public interest to make those decisions finally.

1 MR. SUND: One more comment Mr. Chairmen, I just
2 want to go into the issue that the first person that
3 Exxon sent to Homer was the PR guy. The analogy given in
4 Cordova I thought was very fitting that was when you have
5 your house on fire you hope the first guy that shows us
6 is the firefighter and not the lawyer or the attorney and
7 that's brought up another issue and I'd like your
8 comments on it. That perhaps there should be a separate
9 firefighting or oil spill response squad that is
10 independent or separate from the industry that would be
11 capable of responding to oil spills. This isn't exactly
12 the first one around, right? I mean you fought in the one
13 in this bay a couple years ago and there's been eight or
14 nine out in the Bering Sea and several around, but I just
15 wanted to see what your comments are on that.

16 MAYOR CALHOUN: Somebody suggested that if you
17 put fertilizer on the oil it would help it degrade. And
18 Exxon sure as hell did try puttin fertilizer on it right
19 from the start. No, Public Relations first is not the
20 answer. It has crossed my mind and I have discussed it
21 with other people from time to time, the Department of
22 Interior has an Incident Response Team. These guys have
23 regular jobs, I, whatever rangers do in parks whether
23 it's patrolling or whether it's giving lectures, filling
25 out the little forms for you when you go in the park,

1 maintenance, whatever. But they are crossed trained in
2 certain areas. These guys are cross trained in every
3 area and when there is a forest fire they say ok, Team
4 19 and within hours these guys have dropped everything
5 they are doing and are on planes and are on scene and I
6 think Roger can tell you a little bit about that cause
7 he's worked in these typos of situations where you ge off
8 the bus as a firefighter and they floip up and say,
9 McCambell Tent number three you go out at 8:30 in the
10 morning on the east fireline and they're still dropping
11 Atco trailers on the ground - setting up more offices. I
12 mean these guys come in and they're that organized and
13 it's not something we have to pay 365 days a year to hold
14 that way. There are costs, there are costs. There are
15 costs for the maintenance of that equipment, there are
16 costs for that cross training there are cost for the
17 replacement of those people when they are either
18 firefighting are when they are being cross trained. That
19 type of thing is possible, I think it would be excellent
20 possibly, through the Coast Guard or through NOAH or
21 through some other agencies combined. I think it would
22 be excellent, tax dollars would pay for it or if it's a
23 tax on the oil company that when it's all said and done
23 it's tax dollars or public dollars. That's fine too.
25 That would be tremendous to have a situation where you

1 pick an arbitrary number, I don't know what it would be -
2 100,000 gallons - when the spill is in excess of 100,000
3 gallons it's outside of the preview of anybody except one
4 person, he picks up the phone and says Team 3. Tells
5 them where and what. You regular people grab the,
6 everybody knows where to go, they grab the maintain
7 equipment and they go in there and respond. You have
8 firemen showing up, not the attorneys and not the public
9 relations people. They can come in later.

10 MR. SUND: I would just note that the cash cost
11 of this spill's gonna be 800 - 500 - 800 million dollars
12 not counting the cost to the environment which never may
13 be recoverable. So when we talk about the cost of
14 maintaining these types of things we keep in prespective
15 the billion plus of this one right here, So, thank you
16 Mr. Chairman.

17 MS. WUNNICKE: You had said earlier that the
18 Incident Command Team had come to Homer, but there was no
19 funding... Could you pursue that a bit.....where the
20 funding would come from and how.....

21 MAYOR CALHOUN: Ok basically, it's gonna have to
22 ultimatley come from government whether it comes from us
23 first hand, I mean and ultimately from the people whether
23 it comes from us first hand where we have to pay a little
25 more in Federal Income Tax or they take a little bit out

1 of our Permanent Fund check or they take it all. Or it's
2 gonna have to come from us second hand where it's a tax
3 against the oil company where we pay two cents more at
4 the pump. But that 's where the funding has to come
5 from, it has to come from the public when it's said and
6 done. The one thing I will add to that when the Incident
7 - we had the Incident Command Team come in later when we
8 had received two million dollars from Exxon to try to
9 implement some of these things. Then they could get some
10 things done. These guys were firefighters it took 'em -
11 but their organization was well enough structured that
12 here some guy out of Idaho shows up on the Coast of
13 Alaska in an oil spill and within 24 hours he knew the
14 difference between the oil spill and a fire and had
15 figured out what he needed to do for his particular
16 response, he had the people hired, he had the equipment
17 located and he was ready to go and did so.

18 MR WENK: I'm gonna ask you to drop the second
19 shoe. I'm gonna come back to the level playing field.
20 Your observation about the profit motivation of Exxon and
21 the reality of being part of the strength of this Nation,
22 the objective of firm is to survive and you made the
23 point that that's not the whole story. That there's also
23 the public interest to protect and it only. Tthat when
25 you get some kind of balance between public and private

1 interest that you have this level of playing field. The
2 question I want to ask is, since we've talked a little
3 bit about how the private sector reacted how about the
4 public sector. Could you tell us what you observations
5 are in terms of whether the public interest was
6 adequately represented? Who represented it? How did
7 they preform? When did they get on the scene?

8 MAYOR CALHOUN: Ok, you're speaking of the State
9 and Federal Agencies and Municipal as well.

10 MR. WENK: Municipal as well, but starting from
11 who you feel, from point of view, of the public interest
12 has the major responsibility. If you want to rank them.
13 Let me leave that to you.

14 MAYOR CALHOUN: Alright, then we'll just drop the
15 other shoe, I feel that the Federal Administration has
16 been damned nonresponsive in this thing. We have the
17 third largest man made disaster outside of war time in
18 the entire history of the human race. Being larger and
19 both involving loss of human life, but as far as
20 disasters go, that are man made outside of war time, this
21 is the third largest. Five weeks after the Spill, the
22 Vice-President of the United States came here. The
23 President of the United States has never come. Gorbe---
23 left the summit meeting to return to the Soviet Union in
25 the time a crisis there. I am extremely disappointed in

1 the Federal Administration. Moving on down to the Coast
2 Guard to NOAH, I think these people have done an
3 excellent job considering the constraints that they
4 have. Once the Federal Government said we are not going
5 to federalize this, which perhaps that might have been
6 what Exxon wanted, hell I don't know, maybe that's what
7 they would have loved to heard that, I don't know. I
8 can't figure if they would have liked to have heard that,
9 'because they would have got them out from under the
10 dollars or if it would have hurt the public image so much
11 because it was federalized, I don't know which way they
12 would take that. Maybe it's 50/50. But the Coast Guard
13 could certainly tell Exxon what to do. But if Exxon
14 wanted to flip them off, they could do that, what kind of
15 citation could the Coast Guard write them? I mean
16 they've got more people sitting back there in law offices
17 than they got up here cleaning the oil spill, they'll
18 tell the Admiral right where to send it and smile. And I
19 think that's been true with all the agencies,
20 they...whether they are federal, or whether they are
21 state, whether they are bureau, or whether they are
22 municipal, you can puff up and you can put on your war
23 paint and you can raise some hell and they are going to
23 give in just as far as you can push public pressure.
25 Because outside of that you are virtually a paper tiger.

1 As long as there is no way of actually leveraging any
2 kind of fine or punishment that is greater than what it's
3 gonna cost you to do it right.

4 MS. HAYES: When we were in Cordova we heard
5 about the new plan that was being produced by BP the new
6 Contingency Plan. Has Homer been involved in producing
7 that Contingency Plan?

8 MAYOR CALHOUN: We've looked at it.

9 MS. HAYES: Have you been actively consulted in
10 it? Have your volunteer groups been active in
11 participating and constructing it?

12 MAYOR CALHOUN: As far as the City of Homer
13 goes, we have not. As far as the agencies working out of
14 here, I can't answer for them. That brings us to another
15 issue, I might touch on. I hate to, I don't want to
16 crowd over on anybody else's time too much and I already
17 have. This is a real nice plan, I mean it looks good on
18 paper, but again, and I'm not saying the guy from BP is
19 lying to me, he could have been as honest as the day is
20 long, this could be the greatest thing since sliced
21 bread. What experts are on our side -- we need experts
22 on our side looking at this Plan. I'm not an oil spill
23 expert, it doesn't make a damn if I look at this Plan or
23 not. I mean, I'm more impressed with the colored
25 pictures than the substance of the Plan. It's gonna take

1 expert that are experts in the oil spills whether it's
2 Coast Guards or whether it's DEC or whatever, to tell us
3 is this a good plan. The scarey part about it isn't the
4 disappointing part. It is where in the hell was the Plan
5 a year ago? This tells us that the technology was there,
6 this tells us that the skimmers that Exxon couldn't find
7 were some place. But they couldn't get them. All of a
8 sudden, BP can. The resouces that they couldn't lay
9 their hands on weren't there, then low and behold they
10 magically appeared. Now the question comes up - this is
11 great, this takes care of Prince William Sound, what
12 about Cook Inlet? Nikiski? and those terminals? Well,
13 the first things I heard was these are marginal fields,
14 they can not afford the cost of a protection plan like
15 this. This may not be a real popular statement, but
16 maybe we can't afford that oil. Maybe it means that you
17 have to shut those wells down and maybe it means some
18 people are out of some jobs until the price of oil goes
19 up high enough that those marginal fields become
20 profitable, until they can afford adequate protection.
21 Maybe in the long run it means my job, but that's just
22 the reality of it. If we want to do anything to try to
23 mitigate and keep this from ever happening again.

23 MR. PARKER: Mayor, we will take the Cook Inlet
25 situation because while there is only 35,000 barrels a

1 day going out of Cook Inlet, there is probably three
2 times that much coming up the Inlet to Nikiski and to
3 Anchorage and we are going to do a take a hard look at
4 Glacier Bay and it's after math, what improvements have
5 been made as a result of Glacier Bay or whether it's back
6 to the status flow on the Cook Inlet. Because our
7 mandate is statewide and all the concentration is
8 inevitably on Valdez still we are not going.....

9 MAYOR CALHOUN: Again, if those fields are
10 marginal, but that oil is important to national state
11 economy, national defense, then.....

12 MR. PARKER: Then it's gonna take tax dollars
13 to have the plan and that's why we have to pay it. We
14 don't provide fire safety on the basis of the cost of the
15 house particularly. I know some synics would claim that
16 we do, but generally speaking, the fire department is
17 ordered to respond to a \$10,000 residence as fast as it
18 does to a \$100,000 one. So I... on the other point, one
19 of your other points, in 1977 at the Conference that was
20 held in Cordova, prior to the opening of the Terminal,
21 why we concentrated very heavily on prevention, on tanker
22 operations and doing the best job we could to force the
23 level of the state of the art as high as we could. At
23 that time all of us were involved in that, wished we'd
25 have spent and concentrated more heavily on response.

1 The reason we are going to do Glacier Bay and get into
2 that it because one of the real problems stemming from
3 Valdez since the time Valdez Terminal opened, seems to
4 have been an obviously a general apathy on the issue
5 across they board on almost all institutions responsible
6 on the basis and you know this characteristic has been
7 pointed out time after time on all disasters, but
8 certainly oil spills included, so I hopefully, this
9 time we will be able to address that and all the other
10 factors in somewhat more details than what we did 12
11 years ago.

12 MS. WUNNICKE: Just a comment at the beginning
13 of our meeting the Chairmen and Commissioner Wenk
14 elegantly told you what the Commission is all about, I'd
15 just like to add to that, maybe three things. We are
16 truth seeking, and forward looking to learn from what
17 we've seen in the past, but it's also our veiw that a lot
18 of people affected by the Exxon Valdez grounding from
19 every prospective, from the oil industry, from the
20 regulators, from the people in the communities have
21 turned their heads to thinking of solutions too. And I
22 just want to thank you for some very elegant and
23 thoughtful testimony because you obviously have given it
23 a great deal of thought.

25 MAYOR CALHOUN: I don't have a lot of choice.
Thank you.

1 MR. SUND: Mr. Chairmen has asked the Mayor to
2 put some thinking on between now and then one of the
3 scenarios that we as a Commission will have to deal with
4 is what would happen if the grounded tanker were
5 financially irresponsible in other words, a third party
6 charter agreement had no financial clout behind it and
7 think about how we would handle this situation and that
8 case and how we are going to construct a public response
9 fund or system in order to handle this type of spill. I
10 know we don't have time to go into it today, but I'll
11 talk to you later about how to deal with that. The
12 Admiral is gonna tell us how the Coast Guard is gonna
13 take care of the next one here pretty quick.

14 MR. PARKER: Next we have the Chair of the Multi
15 Agency Coordinating Committee, Mike Hedrick, U.S. Fish
16 and Wildlife Service. Welcome, Mr. Hedrick.

17 MR. HEDRICK: Thank you, I appreciate the
18 opportunity and I'm grateful that the Commission came to
19 Homer to talk to us. I'm sure you're gonna hear this has
20 not been a community that's been good about voicing it's
21 opinion on the Exxon Oil Spill. I would like to in the
22 interest of time, since I know that you were at Seward
23 yesterday and you did get quite an indepth analysis of
23 the MAC Committees, I'll spare you that here and briefly
25 outline and pickup on the comments of Mayor Calhoun who

1 incidently was our first Chairmen of the MAC Committee
2 here in Homer and in those days when it was a little more
3 hectic that it is now all of us paid a personnal price
4 for that and him perhaps more than others. On the fourth
5 of April, seventh of April, excuse me, oil from the Exxon
6 Valdez was observed coming into the area now known as the
7 Homer Zone by a variety of people and information was
8 such that could be wrong by two or three days was that
9 day that a Committee was formed here in Homer that was
10 Advisory to the Seward Multi-Agency Coordinating
11 Committee. At that time, Homer was respresented on that
12 Committee. On about the 15th of April Homer formed it's
13 own Multi Agency Coordinating Committee. In viewing of
14 the response of this oil spill and in future oil spills
15 an entity like a Multi Agency Coordinating Committee
16 serves several purposes and tends to spring up on there
17 own even if they're not so ordained by some sort of a
18 procedure so obvisously there is a need for this kind of
19 function, from my perspective it is one place where all
20 of the effected parties spiller, all the regulators,
21 major land owners, municipalities can get together in one
22 room, one time on a scheduled basis and share information
23 and share views. As I worked on this spill it was truly
23 amazing to me and I've worked for the Federal Government
25 for 15 years of all of the jurisdictions and all of the

1 entities, that an instance like this crosses and how
2 complicated that becomes in having a coordinated response
3 to that incident and it was surely as equally frustrating
4 for the spiller, Exxon in this case, as it was for the
5 individual affected parties whether they were an agency
6 or a major land owner, such as a native corporation.
7 Several things are accomplished by Multi-Agency
8 Committees. There is a tremendous communications
9 problem, early on in an incident, still in an incident,
10 tremendous amount of information generated from outside
11 the area from within the area it is an all consuming task
12 to try to consolidate that and share that. Certainly
13 Multi Agency Committess preform that function to some
14 degree. Coordination, there's a tremendous amount of
15 duplication of effort, by both agencies, municipalities
16 surprising even private land owners, industry, whether
17 it's an effected industry like commercial fishermen or
18 it's a spiller, in this case, Exxon. It certainly
19 provides the opportunity to reduce that duplication of
20 effort and to bring some measure of efficiency, more so
21 over time than immediately, but it does have that
22 function almost immediately.

23 The third thing that I believe it does is it
23 tends to build consensus. As I mentioned first off there
25 are so many entities involved, certainly from I supposed

1 Exxon's view point they are getting direction, advise,
2 requests from all different directions. They simply
3 can't deal with that, no one can. Multi-Agency
4 Committees form the function of putting people under one
5 roof in one room and in many cases building a consensus in
6 terms of what that group thinks that Exxon or the Coast
7 Guard or something should be doing. At least it is a one
8 unified voice for the most part.

9 And the fourth thing is it sets priorities in
10 terms of what those entities and agencies and parties feel
11 is important in terms of protecting in an incident like
12 this and that over time becomes one of the major
13 functions especially as the incident or spill
14 progresses. The major problem that can go wrong in a
15 situation like this in a committee like this is that if
16 all affected parties don't put in this particular area
17 their major decision makers at the table and I think
18 you've heard that before and I guess I'm belaboring the
19 point, but it is something that I think needs to be
20 thought about and talked about. Certainly in the case of
21 the Homer Multi Agency Committee all of the entities
22 involved in that Committee, with the exception of Exxon
23 have put their top people at the table, and I don't mean
23 to imply that the people serving Exxon on those
25 Committies are not top people. It's a tremendous job, I

1 don't think one single person from their perspective can
2 do it justice. You're getting questions, feed back,
3 input from 10 or 11 people sitting around the table, one
4 single person cannot do justice to that in responding.
5 We heard, I heard a comment earlier about PR person or
6 public affairs, certainly these people are an interval
7 part of this, communications being the problem is you
8 want to have a good communicator at the table, but you
9 also want to have a person there and I don't. I do not
10 mean to imply, that very many decisions are made at those
11 groups. What happens at those meetings is in this case,
12 Exxon should they chose to do that or when they chose to
13 do that, I believe show a good faith effort to the rest
14 of the Committee in terms of trying to be responsive to
15 the best of their ability and those people with the
16 ultimate responsiblity for their company in this
17 particular area get the benefit of unfiltered feed back
18 from other people at the table. There are negatives,
19 early on, agencies we spent a tremendous amount of time
20 in meetings. I'm surprised we've accomplished anything
21 and looking back, we didn't accomplish much. Looking
22 back with the communications and information flow, you
23 know I don't have a better solution. But it certainly
23 took the time and perhaps the Company decided that they
25 just couldn't afford the time. I think that perhaps

1 was a bad decision and perhaps that wasn't the decision
2 that was made. That was the impression I got and I think
3 that was the impression other members of the Homer MAC
4 group got. A minor problem of the Multi Agency
5 Committees is that it does not adequately and is not
6 designed to disseminate information to the public.
7 Certainly the public is welcome at those groups, they sit
8 and the watch and they are sometimes excluded, those are
9 working groups and it was one of the trade offs we made
10 and will have to be made in the future and I guess in -
11 I sense in planning for future spills so to speak, that
12 recognizing that people spend an awful lot of time early
13 on in meetings that there may be a though that those
14 types of functions can be merged. I think it would be
15 extremely difficult to do that.

16 In terms of an Agency - my particular agency
17 response on this spill. My duties here are that I am an
18 on site supervisor of all fish and wild life activities
19 inthe Homer Zone as related to this spill. In life
20 before this spill, I'm the Deputy Refuge Manager of the
21 Kenai National Wildlife Refuge. As you heard in Homer,
22 Fish and Wildlife Service has responsibility for migatory
23 birds, and sea otters two wildlife resources that were
23 heavily affected by this oil spill. In the Homer area as
25 the spill progressed, I don't think that any of us real-

1 ized the impact it was going to have and certainly there
2 was nothing we could do at that point to minimize that
3 impact. And as you go from area to area you go to Valdez
4 Zone, come to Seward Zone, come to Homer and you end up
5 in Kodiak where the oil is still floating and you look at
6 migratory birds and you gage it in terms of response or
7 the number of dead birds retrieved off the beaches.
8 Valdez, Seward has the fewest. Seward had perhaps the
9 greatest effort in trying to recover those species.
10 Valdez had a massive effort. Homer had a modest effort,
11 gaged in terms of vessels, we never had more than eight
12 bird collection boats out. There has been over almost
13 28,000 birds picked up, some 5500 here and you go to
14 Kodiak and there have been over 15,000 birds picked up.
15 You see how that spill affected wildlife as it came
16 through as it entered the Homer Zone and when it entered
17 first the Seward Zone and then the Homer Zone it started
18 encountering large populations of migratory birds. Fish
19 and Wildlife Service manages the Barron Islands, they
20 only service lands in the Homer Zones. Those islands
21 host approximately 450,000 nesting birds, 6500 sea
22 lions. Many of the birds that are picked up now in the
23 Kodiak area came from those islands. I can not really
23 fault Exxon's response in terms of wildlife recovery.
25 Sometimes I blush at the amount of money that has been

1 spent on that particular function and as a biologist
2 more used to dealing with population management as
3 opposed to individual animals. It was hard for me to
4 reconcile in the beginning and then I began to understand
5 that wildlife in this spill was one thing that
6 communities across the spill, Homer in particular, were
7 individuals could make what they felt and was a positive
8 contribution. I couldn't look at it in relation to how
9 it was affecting wildlife populations in terms of
10 bringing in a single oil bird. But Exxon may have spent
11 more than a 1000 dollars in terms of recovery, but you
12 can't go on an individual birds worth. It is very
13 important in this community and this community responded
14 with a tremendous volunteer effort in that regard. The
15 Fish and Wildlife Service appreciated that. As the spill
16 progressed and is ongoing still, we are involved in
17 participating on priority setting on beach cleanup. Some
18 of the problems we still see are seemingly weak planning
19 and weak follow through in terms of execution. Certainly
20 this spill has confounded the experts from the very
21 start. It still, we are not getting the results that are
22 being predicted. Obviously, in terms of the next spill,
23 we are going to have to re-think a lot of the computer
23 models that were generated and the tools we need to try
25 to help to plan to attack an incident like this. Cer-

1 tainly a common criticism that I have heard, that I have
2 felt and has been presented over and over tends to
3 manifest itself sometimes in lack of manpower, but more
4 realistically in lack of result, it certainly does not
5 seem that Exxon is unwilling to spend money to try to
6 clean this spill up. The performance will be debated
7 probably for years of whether an agency of the federal
8 government, the state government as opposed to Exxon
9 could have done a better job. One thing that will, I
10 think is less in debate at least it's my impression and
11 the impression of many others, that a public entity would
12 have had a greater will to clean this spill up. May not
13 have accomplished any more, certainly there is a question
14 of will. And that ladies and gentlemen in the interest
15 of time concludes my comments.

16 MS. HAYES: I have, as you noted, when you
17 started out, Homer has never been known as a place
18 redisent to express it's view to people that live here.
19 And in my experience of working for the state, that was
20 very valuable to us, there is an amazing depth of wealth
21 of knowledge that resides here that you don't expect when
22 you fly in on a plane or drive down the road that you're
23 gonna find in a community the size of Homer. Each time
23 I've come here for a public meeting, I learned something
25 that was really important to deciding the issue at hand.

1 So, my question is, if the public isn't allowed to
2 interrelate with MAC at your MAC meetings, how does the
3 public have a chance to influence the decisions. And,
4 I'll also note that for our benefit of Ed Wenk, who
5 comes from Washington and other people that might be
6 interested, on the surface it sounds rather particular
7 that the group of people that are helping, advising the
8 decision makers about what actually gets done is a group
9 of agencies. Those of us from Alaska realize that the
10 major land areas are owned by agencies or are managed by
11 government agencies and there's very few private lands
12 that are being affected But, nevertheless, there are
13 some and there is certainly a public value an interest in
14 the decisions that the MAC group was making. So I'm
15 curious how the public relates to MAC and how they bring
16 forward this wealth of knowledge and also the feelings
17 they have to influence those decisions.

18 MR HEDRICK: Well on the MAC Committee, there
19 are chairs, so to speak, of entities other than
20 governments and municipalities. Commercial fishermen,
21 for instance, and other private land owners, like native
22 corporations. And, perhaps I should clarify. What I
23 meant to imply was, it does not seem to fulfill both
23 functions, the Multi-Agency Committies are places where
25 people working directly on the spill in terms of juris-

1 dictions and have a chance to share information,
2 establish priorities and is somewhat frustrating for the
3 public to sit there and observe and not be able to jump
4 in the middle and give immediate input or ask an
5 immediate question. They are able to do that by
6 contacting anyone at the table and trying to..... There
7 was a tremendous, I think the local knowledge was
8 represented at that table, it's just that beyond that in
9 terms of an incident like this be it a larger fire or an
10 oil spill, there needs to be a mechanism to dispense
11 information directly to the public, other than at that
12 meeting.

13 MS. HAYES: Well the problem that I was
14 identifying wasn't so much of getting information to the
15 public, although that is certainly important, I was
16 looking at the information from the public, if the only
17 way to contact people is individually to grab them out as
18 you are leaving a MAC meeting to have an observer talk to
19 you individually it seems to me that I can understand the
20 amount of frustration the people might have felt with
21 that process. Did the city have any series of public
22 meetings or anything for people to come forward with
23 their ideas of what should be protected and how?

24 MR. HEDRICK: Well early on there was a whole
25 series of public meetings, Exxon held daily briefings,

1 agencies participated in daily briefings where there was
2 a give and take situation and I, in my opinion, perhaps
3 not shared with others, but the agencies in the entities
4 at that MAC group did a good job in terms of representing
5 the general public here in terms of focal of focusing
6 local knowledge on into an action or in an input to the
7 Coast Guard and to Exxon. Your right that there is few
8 communities that I have ever been associated with that
9 have a greater depth of knowledge of natural resources in
10 that particular area, they are all extremely
11 knowledgeable users. That was very frustrating for them
12 to start to not be able to convey that knowledge directly
13 to Exxon and have it utilized.

14 MR. WALLIS: Mr. Calhoun, does your group make
15 any recommendations regarding closures for fishing?

16 MR. HEDRICK: Fish and Wildlife service does not
17 - it is the function of Alaska Department of Fish and
18 Game and they will be presenting testimony to you here.

19 MR. WENK: I think the Commission's been really
20 quite impressed first in Seward and now here with the
21 regard to the call it social dynamics of back groups, I
22 think you made the point that jurisdictional boundaries
23 dissolve and I think we know through the history of human
23 experience that faced with the common threat, people who
25 are previously adversaries suddenly become team players.

1 That's the only way to survive. My question relates to
2 how far up in the chain of command that spirit exists and
3 I will give you a little more background in order to ask
4 that question, the same question a second time. In 1959
5 in the after math of the Soviet Space Shot, there was a
6 feeling of threat at a national level whether or not it
7 was justified remains to be seen by historians, but an
8 interesting thing happened executive order 521 - 10521
9 was issued creating a federal counsel for science and
10 technology at the level of assistant secretaries.
11 Believe it or not, it was a MAC group at the assistant
12 secretary level and the whole concept was that this
13 government can't be a collection of individual entities
14 that are competing like Chyrsler and General Motors, that
15 we're gonna have to respond to this preceived threat as
16 one nation. At least as far as a burocreacy is
17 concerned. That was from the top down and pretty soon
18 things were happening at three or four levels below the
19 assistant secretaries in these departments in that same
20 spirit. The number of inter-agency committees, the
21 number of issues that were dealt with, I won't say
22 without regard to jurisdiction, never that, but putting
23 that secondary, was really quite amazing. That
23 organization was killed in 1973 and I won't go into any
25 more history, the main thing is now to come back to the

1 question, how far up in the chain of command was this
2 sense of teamwork felt?

3 MR. HEDRICK: Well, you are right in the sense
4 that it didn't really blur jurisdictions and most quickly
5 at the field level and that's where it happened the
6 soonest and where the problems that you may have sensed,
7 I think were problems that were evident and real early on
8 in the spill as each agency in terms of just speaking
9 about state and federal government, reacted somewhat
10 differently in terms of how they perceived this incident
11 happening. Certainly from the Fish and Wildlife Service,
12 we had resources that we managed, were affected
13 immediately, migratory birds and sea otters, but we
14 didn't have any service lands affected until the oil
15 proceeded into the Seward Zone (inaudible) the First
16 National Wildlife Refuge Land Associated and when that
17 happened, we became an agency as many others with land
18 that was being impacted and at that point, from my
19 perspective, from top to bottom we got in the game so to
20 speak. It was hard - first predictions we heard of in
21 Homer, was it was never gonna leave Prince William Sound
22 and that was from our agency that was certainly from the
23 top and probably our initial response is that we'll
23 handle this with a relatively small number of people and
25 the impacts will be confined to Prince William Sound

1 where we have certain jurisdictions and as that changed,
2 it changed for everyone. Later on, and I think now the
3 give and take business evidently happening at the trustee
4 level is providing the same dynamics that happened early
5 on in the field when we ordered.....

6 MR. CAMPBELL: If I may pursue it very briefly, I
7 understand that at the state level there was a creation
8 of a Mini-Cabinet of somewhat of the same objectives
9 maybe at a different scale of a MAC group to try to bring
10 together the state agencies. I do not not how
11 effectively you want to look into that, but let me come
12 back again to the question, not only to the response of
13 fish and wildlife vertically, but the spirit of teamwork
14 that you represented at the MAC group at the threat
15 level, my question is whether or not the same spirit of
16 teamwork existed within the federal government among the
17 agencies that were involved and lets even get up to the
18 cabinet level. Do you have any preception of whether or
19 not there was a cabinet level group not only that met
20 once to produce this report from Secretary Skinner. Is
21 there a unit at the present time at the federal level, at
22 the cabinet or subcabinet level that is trying to deal
23 with this government wide basis.

23 MR. PARKER: I simply do not know, sir I
25 don't think I'm qualified to answer that. You will prob-

1 ably get a different answer as you go from area to area.
2 In the Homer area there are only really two federal
3 agencies; U.S. Fish and Wildlife Services and Coast Guard
4 involved in the Homer area here and our jurisdictions are
5 so different here that we would have to try real hard to
6 step on each others toes. So as you went to another area
7 where there are more federal agencies are involved,
8 perhaps you would hear a different story.

9 MS. WUNNICKE: You made the point earlier when we
10 were talking about the interaction with the MAC group
11 with Exxon, and see if I understand this correctly. The
12 members of the MAC group had authority at the local level
13 to make the necessary decision, if I'm understanding it
14 right, Exxon kept that decision making authority at least
15 in Valdez and not in the Homer area and not in the Seward
16 area. Is that correct?

17 MR. _____: Well, I think certainly they have
18 kept a great deal of the final authority decision making
19 in Valdez, but we at the Homer level have not
20 consistently had the top decision maker of Exxon at the
21 MAC table. And that particular person, whoever that may
22 be, has a certain amount of authority and it comes back -
23 we did not expect that instant decisions would be made at
23 that table, but we did feel that our input was being run
25 through a filter, so to speak, that was simply creating

1 additional lag time and giving certainly the perception
2 to the public and to the members of that MAC committee
3 that the commitment was perhaps not really there.

4 MR. _____: I guess I want to follow up that
5 question, did your MAC Committee have the authority to
6 issue work orders to Exxon to do work in the Homer Zone?

7 MR. _____: No, the work order process, what
8 the MAC and subcommittees underneath the MAC, the
9 shoreline control of which is composed of, not all
10 members of the MAC, but all the primary players, so to
11 speak, review work orders that are generated by Exxon,
12 provide comments on those work orders, those work orders
13 and those comments then go to the Coast Guard who passes
14 them to Exxon. What the MAC and subcommittees have the
15 responsibility to do is to provide input in terms of
16 priorities. There is no authority in terms of making
17 either a Coast Guard, Federal on scene coordinator, or
18 the spiller, Exxon, do anything. It's all advisory.

19 MR. _____: Do you know what authority or how
20 they, private party spiller, in this case, Exxon, but it
21 could be anybody, by what authority do they get or by
22 what power do they get to determine how to clean up
23 public property? Why does the private party get to make
23 the decision on where to clean it up and how much effort
25 to put out for it. Why isn't that a decision to be made

1 by the public body, particularly your case who are the
2 trustees for the public and ownership of these common
3 property resources?

4 MR. _____: Well as I understand it they have
5 that authority because this spill was never either
6 federalized or taken over by a state government. The
7 spiller in this spill retained the responsibility of
8 cleaning it up and thus, since it was their dollars,
9 their actions, they had the final decision on how it
10 would be spent. I don't believe that they would ignore
11 the priorities that were set by these committees. I
12 think the problems were more in terms of what the
13 committees felt were a timely or effective execution of
14 cleanup in accordance with those priorities.

15 MR. _____: I understand that and I got a
16 little testimony yesterday in Seward of a great deal of
17 frustration from the park rangers there and the managers
18 of the park that there was not enough effort being put
19 out and in your case you made a comment that you thought
20 that perhaps the public entity might have had a greater
21 will to clean it up. I don't think Exxon's shown any
22 reluctance to spend money. But perhaps it's been at least
23 hinted and absolutely stated in Seward that their chief
23 goal might not be to clean oil off the beaches. That -
25 and I'm just raising a real fundamental question as to

1 why should the person who caused the spill, who caused
2 the damage, be in charge and be allowed to make the
3 priority decisions of how and when to clean it up. To
4 back you up a little ways, I proposed on the table a few
5 meetings ago or a few days ago that perhaps the public
6 ought to be in charge and the private party maybe ought
7 to be paying the bill. Instead of being in an advisory
8 role to what Exxon proposes to do, why couldn't the MAC
9 committee be in the initiating role of telling them when
10 and where you want them to do the work.

11 MR. _____: Well, that's certainly a concept
12 that I think as we proceeded, we would like to have that
13 authority from time to time, and perhaps most of the time.
14 as I stated earlier, and as Mayor Calhoun spoke to...I'm
15 not sure, at least under the existing legislation, as I
16 am aware of it. That the State or Federal Government
17 could have responded quicker or better. I think that
18 that is a matter of debate. Certainly Exxon has spent a
19 tremendous amount of money on this quickly. It get's
20 back to, I don't believe that the question...if the Coast
21 Guard was in charge of the spill, or a State agency that
22 were directly responsive to the public. I don't think
23 the question would be that they're not trying to clean it
23 up. As Mayor Calhoun stated, there is a perception in
25 many cases, not only in Homer, where the spiller, Exxon

1 in this case, is simply trying to ride this spill out.
2 That, for a variety of reasons not of the least,
3 certainly very frustrating trying to clean this spill up
4 with the technology available to us. I am simply amazed
5 that we are that far behind. And technology, the way we
6 can find oil, move oil, and produce, but we can't clean
7 it up when we mix it with water.

8 MR _____: I appreciate your comments, and I
9 think Admiral Robbins made that comment yesterday that he
10 thought he'd be behind the times when he came up to run
11 this show. It's about the same way it was ten years ago
12 when he ran the oil spill clean up. I guess maybe just a
13 parting comment that it would be appreciative, I think,
14 for a lot of us on the recipient side of the oil spill,
15 to see the commitment to spend five hundred million
16 dollars in the next ten years, to develop technology to
17 clean up oil. As willingness...as a willing manner as
18 Exxon has agreed to spend five hundred million dollars on
19 this spill itself. We may be able to get something
20 built, or some technology developed that we could handle
21 it a little bit better than we could today. Maybe we'll
22 get those efforts out of this. I appreciate your
23 comments. Thank you.

23 MR. PARKER: I have three detailed questions. How,
25 from the perception of the MAC group, is beach clean up

1 proceeding?

2 MR. HEDRICK: How well is it proceeding sir?

3 MR. PARKER: Yeah, how do you feel about it?

4 MR. HEDRICK: My perception of the MAC group, my
5 perception of what the MAC group feels, is that it is not
6 going very well.

7 MR. PARKER: Okay, do you feel the September 15 date
8 is realistic in this sector?

9 MR. HEDRICK: Again, the consensus would be of local
10 people who have the greatest knowledge of the natural
11 resource, and the weather in this area, there's virtually
12 no chance that we're going to be cleaned up by September
13 15.

14 MR. PARKER: Okay, Do you have any indications that
15 Exxon is already demobilizing?

16 MR. HEDRICK: From what we can see, Exxon's effort ,
17 as measured in people has been relatively static over, at
18 least the past few weeks, or month. It has not
19 decreased, it hasn't risen. We would have...the MAC
20 group would have liked to see it higher. We felt there
21 was more work out there that could have been accomplished
22 by more people. Often that becomes just a point of
23 contention that I think is useless to argue about, when
23 we should be talking about work accomplished, and even
25 when it really makes no difference whether there's ten

1 people, or a hundred people, it's the work they get done.
2 Even measured that way, the perception is that we're not
3 getting the work done.

4 MR. PARKER: Okay, thank you, are there any more
5 questions from Commissioners. Thank you very much Mike.
6 I guess next we have Roger McCampbell from the Department
7 Of Natural Resources.

8 MR. MCCAMPBELL: I thank you for allowing me to
9 speak today. I got involved with the spill on April 2.
10 At that time, myself and the area ranger, and our
11 superintendent Bill Gary, I think Esther knows. We
12 realized then that.....

13 MR. PARKER: Could you speak up a little so the
14 audience could hear?

15 MR. MCCAMPBELL: I suffer from that problem, I've
16 been told before. We flew the outer coast to start
17 looking at the area, and to see what the impacts were
18 going to be. I think our initial response, as far as DNR
19 was concerned was, as Mayor Calhoun, expressed earlier.
20 I'm used to functioning in an IC mode, and I think a lot
21 of us waited for some type of command structure to fall
22 into place. That really did not occur until very late
23 into this spill. Basically, I think if you met with Jack
23 Sinclair, and you'll meet with Mike Goodwin in Kodiak if
25 you go there. We're basically put into the position of,

1 do what you can. You're doing okay until you mess up.
2 The initial advisory to the Seward MAC functioned for a
3 couple of weeks without Exxon present. We became aware
4 quite early, that we could not send a member of the Homer
5 advisory group to Seward everyday and back to report, and
6 we needed somebody from Exxon here at the table with us.
7 What they sent us was two very good gentlemen. A retired
8 public relations person, and a oil field supervisor.
9 They were quite receptive, quite willing to work. They
10 bought us a lot of toys. I feel the same way that a many
11 people do, that we were put in the position in telling
12 Exxon how to clean up the oil spill. Where as I felt
13 that they should be telling us how they want to clean up
14 their oil. And we should advise whether or not that
15 method, or those procedures are adequate, or inadequate.
16 There was a tremendous community grass roots movement
17 here. There is a number of people in this community
18 that, highly motivated, highly intelligent, that work in
19 IC systems with the fire department. They knew initially
20 what to do. They generated computer lists of boats, man
21 power needs. They knew what needed to be done. When
22 boom wasn't available, they suggested the log boom.
23 Exxon, at that time, was willing to buy all the logs. In
23 fact they bought all the logs. And started building log
25 boom. It has been my perception that none of the state,

1 or federal agencies stood in the way. In fact, we've
2 been told many times by a number of people that have
3 worked on oil spills before, that this is the first time
4 that we have ever seen the state, or federal agencies
5 pushing the spiller into doing things, rather than
6 standing in their way. DNR is the primary land and
7 water manager. We also hold the special interest lands,
8 Catch McBay, Wilderness Park, and also the State Historic
9 Preservation Office with the Archaeological sites. Our
10 role is that we're not the scientists. We're not the
11 Biologists, we're more of a liaison role. We did what we
12 could do. Initially we pulled out a few rangers from the
13 Northern Districts, and my staff here. My normal job is
14 the district ranger for this area, and I more or less
15 still function in that capacity. We start using our
16 people to assist the Fish and Wildlife Service on
17 wildlife recovery, and the Department of Fish and Game.
18 We were able to get some bodies in place fairly quickly,
19 but we couldn't hold them for very long. That was right
20 at the beginning of our tourist season, and things needed
21 to be done elsewhere. We established some base camps put
22 in some areas where boats couldn't get into in a normal,
23 and start picking up oiled wildlife. I felt, and I
23 believe that the managers of DNR felt that we had a
25 proprietary interest in the wildlife. And to protect the

1 upland wildlife, so we started trying to get some base
2 camps established, and pick up this wildlife before it
3 affected the upland, or at least try to minimise that.
4 So we work with the Department of Fish and Game, and the
5 U.S. Fish and Wildlife Service on that effort initially.
6 To regress a little bit, I do feel that at first the
7 State's response is that most of us on a field level, I
8 work with Fish and Game, I work with U.S. Fish and
9 Wildlife here locally. None of us have ever been thrown
10 together in a group, and forced to work together. Most
11 of the state agencies are fairly independent. There was
12 a little bit of turf force, there was just a little bit of
13 that going on. I think it smoothed itself out fairly
14 quickly. I think all of us realised that we had a job to
15 do. What it was, we weren't quite exactly sure at first.
16 But it has become apparent as the weeks and months went
17 by. I'd probably like to make this brief. The IC team,
18 when they showed up, I think things got done. I think as
19 public servants, we need an independent Incident Command
20 System. That removes the decision making from
21 committees. You can't get anything done by committee.
22 The MAC is a good function, and that functions on large
23 fires, or advisory groups get together to discuss what
23 they want to save, and what they don't want to save. and
25 where the hard decisions can be made. And those reco-

1 mmendations can be made to the people that are
2 responsible for putting the fire out. And I equate this
3 to, if we get too involved in the bureaucracy, and I've
4 made this analogy before. I was told a few weeks into
5 this that we've got to start writing permits. My
6 philosophy on that is, I don't write a permit to the
7 firefighter to cut a tree down to save the forest. I've
8 also heard from, quotes from out in the field, from
9 people that are responsible for cleaning up the oil, that
10 this a campfire, and you don't call out the firefighters
11 to put out a campfire. I believe that to the people in
12 this room, and the people of this community that this
13 isn't a campfire. This is a major disaster to them.

14 MR. PARKER: Where did that perspective come from,
15 that campfire perspective.

16 MR. McCAMPBELL: That was somebody out in the field
17 that overheard something. Again this is rumor, and rumor
18 control is something that needs to have a handle on it,
19 and I don't want to propogate that at all. The IC
20 Systems was initiated where many agencies were fighting a
21 fire commonly. They could not communicate. The IC
22 System came into place to set a common language, and a
23 common infrastructure, so that multiple agencies
23 responsible for putting out a fire could communicate, and
25 more affectively handle that, in the best interests of

1 the communities involved. I guess the analogy here, is
2 that if the farmer is burning his fields, gets out of
3 control, and starts burning the forest down, you don't
4 but the farmer in charge of putting the fire out. Send
5 in the professionals. That's my opinion on that, that's
6 my personal opinion. I've never felt comfortable with
7 advising Exxon how to clean up their oil. It's our oil
8 too. I'd feel more comfortable with them coming to us,
9 and saying, we want to dig this beach up, is that okay?
10 And they have done that. I think Admiral Robbins can
11 relate to that. When they asked me early on, we want to
12 take heavy equipment on Gore Point Beach. I said fine,
13 take heavy equipment on Gore Point Beach. I'm not going
14 to write a permit, just do it. I came back the next day,
15 we can't take heavy equipment on Gore Point Beach. Why?
16 You won't let us. People at the table at the MAC need to
17 be decision makers that are experienced in this type of
18 reaction. They need to have somebody from Exxon, or
19 whoever the next one is, that is also experienced, and we
20 have not had that. I really don't have much else to say.

21 MR. PARKER: Thank you very much, you made some very
22 good points there. Commissioners?

23 MS. WUNNICKE: Roger, if I may, just ask a question
23 that Commissioner Wenk asked earlier, how far up your
25 chain of command was there cooperation among the agen-

1 cies?

2 MR. McCAMPBELL: Among the agencies? Well, I
3 haven't had much communication much farther than the
4 regional manager. There is an oil spill group that was
5 formed, and I have one person that I communicate with.
6 Beyond that line...initially, I was communicating with
7 the director, until he put somebody else in charge.
8 Other than that, I've had very little communication.

9 MS. WUNNICKE: Thank you.

10 MR. PARKER: Thank you. The only question I have,
11 when you referred to a command structure to fall into
12 place, you were referring to then oil spill response
13 command structure, and the State structure, or just the
14 oil spill response structure?

15 MR. McCAMPBELL: At first I felt the State
16 structure. Something that would give guidance to what
17 they wanted, the people here in the field. The people
18 that first showed up from various State agencies, really
19 in my opinion didn't have much guidance. We each knew
20 what our individual jobs were to be done. I think
21 everybody responded quite well, to what our individual
22 jobs were. How to put that together, there wasn't much
23 guidance from above initially. I think it has all come
23 together, at least for the policies, and procedures, and
25 this finally came together. Initially, there wasn't much

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there.

MR. PARKER: Okay, thank you, that's what I was looking for.

Admiral Robbins: May I just make one very brief comment?

MR. PARKER: Yep.

ADMIRAL ROBBINS: This may be not addressed to you Roger, but generally. There was a basis for my asking...thank you...there was a specific basis for my asking the question of how far up the sense of teamwork went. Because it's my understanding, that there does exist, at a very high level in the Federal Government, on paper, a national response team involving fourteen federal agencies that are supposed to have thirteen regional response teams, each composed of fourteen federal agencies. So far Mr. Chairman, I have heard no reference whatever from any of our representatives either day to the existence of these regional response teams. Their responsibility for preparing regional contingency plans. Their responsibility for setting up inner agency communications to deal with this problem of communications and jurisdictions, and so on and so on. I simply wanted to get that on the table, in terms of being perplexed. Okay, thank you.

MR. PARKER: Good point to get on the table. Okay,

1 we'll take a brief break, and resume with Admiral
2 Robbins. We've got substantial MAC committee testimonies
3 to go which we do want to hear, and my suggestion would
4 be at this time, that if you possibly could, that...the
5 Admiral has to catch an airplane, so we're going to take
6 him next, and we'll take up the MAC committee next. What
7 we don't get done by lunch, and I do have to have lunch
8 today because I didn't have breakfast. We'll pick up
9 again at two thirty. Is that satisfactory with the MAC
10 committee? I still have about eight of you to go.

11 (Off the record)

12 (On the record)

13 MR. PARKER: The Oil Spill Commission will
14 reconvene. I understand you're having a problem hearing
15 in back, they've been trying to fix the sound system.
16 We'll cuddle the mikes up close, and do the best we can.
17 How's it coming through Mary? Okay, we'll resume with
18 Admiral Robbins. He'll be followed by Lieutenant Wilson,
19 and then we'll see where we stand regarding lunch.

20 ADMIRAL ROBBINS: We had planned to do this, if it's
21 all right Mr. Chairman. Commander Griswald is the
22 officer that's in charge of the Coast Guard operation in
23 this sector. I made a statement yesterday to you, and I
23 know you have some questions that you'd like to ask.
25 Might I suggest that I let Commander Griswald say few

1 words about the local operation, and then go right to the
2 questions. Lieutenant Wilson is here. If you have any
3 questions you would like to ask him, he is available as
4 well.

5 COMMANDER GRISWALD: Thank you. First of all, I've
6 been here since July 10. So any of the comments that I
7 have pertain to that particular period and after. Some
8 people, I think, have been here a lot longer and have a
9 broader perspective than my comments. At the present
10 time, we have sixty segments in the Homer Zone that have
11 been scatted. Which is the team that goes out, that's
12 the (?)geomorpholigists, the biologists, and the
13 archeologists, along with a Coast Guard person that's
14 trained in oil spill recovery and techniques. So every
15 segment of the sixty segments we have now have been
16 scatted. As of yesterday, we had sixty work orders for
17 those sixty scatted areas. Which I think is unusual.
18 I'm not sure if the other areas that you were in, whether
19 it's Seward, or Kodiak that you're going to, have all the
20 work orders in. Certainly, Kodiak is still discovering
21 oil. Of those sixty segments, ten of those have been
22 demobilized. Which means that the Coast Guard has
23 approved that Exxon may move out of that area, and move
23 on to a higher priority area. That does not mean that
25 that area is clean. Five that were submitted to the

1 Coast Guard for demobilization, with input from the ISCC
2 were disapproved and returned. So the fifteen that have
3 been submitted, ten were approved for demobilization, and
4 five have been disapproved. Those ten demobilized
5 represent a six and a half mile segment. Of the total
6 area that is approximately left demobilized, I'm sorry,
7 that has not been demobilized is about sixty five more
8 miles. That's about ten percent of the total area has
9 been demobilized. Presently, ten more demobilization
10 requests are with the ISCC. Pending improvement of
11 weather so we can go out into the field, and actually
12 observe it. That particular team that goes out is Exxon,
13 Coast Guard, DEC, and the land manager. The two primary
14 land managers, actually there's three, the first is DNR,
15 the second is Chugach Alaska Corporation, and the third
16 is the U.S. Fish and Wildlife Service, primarily for the
17 Barren Islands. Presently, the clean up, the surficial
18 clean up has been done on all areas except of the Barren
19 Islands, which compose just one segment over there that
20 has major, a heavily oiled area. That's in the Ushagat
21 (ph) Number Ten, and some at Petroff (ph) Point. The
22 rest, all segments have surficial oil cleaned up. We're
23 now into the mechanical stage of trying to move the oil
23 through warm water washing. Which Exxon has been
25 providing some better equipment, and, hopefully, will

1 equal the effeciency that has been seen in Valdez, here
2 in Homer. The equipment is of a disserent type, and when
3 Exxon does put that equipment on line, hopefully on
4 Monday, that will improve the warm water wash. The beach
5 workers tend to average, since I've been here, from one
6 hundred, to one hundred and twenty, and the numbers we
7 count are only beach workers. We don't count
8 supervisors, we don't count bear watchers, and we don't
9 count skiff operators. Sometimes our numbers tend to be
10 less than what Exxon reports. In our survey, we tend to
11 find one hundred, one hundred twenty workers on the
12 average. And of course weather the last few days, those
13 numbers are significantly down. Of the sixty work orders
14 that have been submitted, at least thirty have had some
15 type of treatment. Twenty eight have had no treatment.
16 Some of those reasons is because they're inaccessible,
17 and may never be treated. Others, between the time that
18 they were scatted, and oil was found, perhaps as long as
19 two months ago, lately there's been mechanical action on
20 the beach, that there is no oil left. So the twenty
21 eight work orders that have not had any treatment at all,
22 does not mean that there is heavy oil there. Some of
23 those are inaccessible, and some of those of course, have
23 no oil, because it's a two months lapse, and the oil was
25 initially observed in that particular area. I view

1 the FOSC, in Homer, as the other ones do, is exactly
2 that, a coordinator. We attempt to take the input from
3 the ISCC committee, as well as input from the MAC, and
4 try to filter that, so there's a concerted voice going
5 to Exxon, rather than individual agencies going to them,
6 and in some cases, perhaps, detracting from the time that
7 Exxon has to respond. I think the last few weeks, that
8 really has improved, to where we try to take
9 recommendations from MAC and the ISCC, and go back to
10 Exxon. And conversly, we're the only agency that tracks
11 all the paper work. Of course, at this time of the
12 spill, a lot of management has to be done. We must track
13 the work orders that Exxon gives to us. We must insure
14 that the ISCC get's recommendations on the work orders
15 back to us, so we can act on them. We have to make sure
16 demobilization requests submitted to us, are inspected in
17 a timely manner by the land manager, DEC, and ourselves,
18 so that the...Exxon can move on to other areas of
19 priority, and that's how I view the FOSC here in Homer.

20 MR. PARKER: Okay, thank you, Admiral.

21 ADMIRAL ROBBINS: One of the points that came up
22 this morning, and as I think came through the testimony
23 loud and clear is this, the manner in which we manage an
23 oil spill in terms of who's in charge, who makes
25 decisions, how we get to those divisions in the highway,

1 and know which way to turn. It's a little like managing
2 chaos the way it's set up. The ideal, I've said this
3 before, and I'll say it again, the ideal system for
4 cleaning up an oil spill, or doing anything, I suppose,
5 is a benevolent dictator. That's what you really need.
6 I hope it's me and not you. I think everybody thinks
7 that way. As long as the benevolent dictator is one-
8 ~~self~~ ^{self} south, it sounds like a good idea. When it's somebody
9 else you're not so sure. Somehow, we have to work our
10 way through it, so that the great frustrations of being
11 in charge, but not in charge are satisfied, are cured. As
12 long as the set up is such as it is, where we leave it
13 with the spiller. He is free to clean it in effect, the
14 way that he feels is correct. Things aren't always going
15 to be done the way you want them to. The only clout, the
16 only real clout that I have over the spiller, in this
17 case, is to federalise. The threat of that is such that,
18 that would force him, and that may be too strong a term,
19 to do it my way. There are other strains, of course, on
20 Exxon in this case, to do it properly. We give them
21 direction, we try to elade them, we try to get them to do
22 the things that they want. There's real value for them
23 to do it our way, because they have a name that they want
23 to...they have taken some shots as a result of the spill
25 anyway, and they want to come out of this with the best

1 PR possible, or the best image possible, is to clean it
2 up, and to clean it up right. I haven't found them
3 resistant to the methods, and the manner in which we've
4 suggested with the exception of perhaps a couple. But,
5 in some cases they have been slow to react to the needs
6 of the outlying sectors. I will freely admit that. I
7 think at that point I would stop and answer questions, if
8 that's okay?

9 MR. PARKER: Okay, Commisisoners, questions for the
10 Admiral, or the Commander?

11 MR. WENK: Thanks very much Mr. Chairman. Admiral,
12 I have two sets of questions, some down at the grass
13 roots operating level, and some at the policy level. I
14 can imagine in both cases in all fairness to you, there
15 are legitimate reasons for you to say you don't know, and
16 to fan the question to someone else, to get answers to us
17 in writing. They span such an area, that I would be
18 surprised if you have the answers at your finger tips.
19 Let me ask, at the operating level first, or I should say
20 at the incident level. My recollection is, that after
21 the Tory Canyon spill in 1967, there was examination of
22 the issue of contentioncy response within the White
23 House. Which led to the promogation in November of 1968.
23 That's twenty one years ago. A contentioncy response
25 plan, which put the Coast Guard in charge in calabration

1 within the FWPCA, EPA hadn't yet been formed. Also,
2 there was support from the White House, to add to funding
3 of the Coast Guard in order that you could do the job
4 that was called upon, I think, by executive order. This
5 was superceded by legislation. Section 311.C, of the
6 Clean Water Act, which provides for this national
7 contingency plan, and I'm not quoting from the Acts of.
8 This may be a little bit loose, it says the U.S Coast
9 Guard to assume control if spills are not dealt with
10 adequately. Here's my question. We've seen from the
11 evidence, we've heard from a lot of people, that if you
12 don't control things within a matter of hours, it's out
13 of control. I don't think I've ever heard anything at
14 all, of our testimony and so on, that hasn't been
15 consistent in this regard. So, my question is, Admiral,
16 does the Coast Guard have some guidelines, in this
17 respect, in terms of how many hours it permits to elaps
18 before it decides that it has to assume control?

19 ADMIRAL ROBBINS: The guidelines aren't written
20 specifically, because, of course each spill is different,
21 and in terms of certainly impact, the amount of oil
22 spilt. So, no they don't, it has to come up to the
23 decision of the individual of the on scene coordinator,
23 in any specific case. It becomes a matter of judgement.
25 However, it is a decision that is not made easily. The,

1 as you know, the 311.K fund that supports that, is not
2 terribly large. There hasn't been a lot of money in it.
3 So that, in a large case, in a large spill, would very
4 easily eat that up very quickly. So Congress get's
5 involved, they have to put more money in the fund, and
6 the poeple at headquarters, and higher.

7 MR. WENK: If I understand your response, you're
8 saying that when that fund, which began at thirty six and
9 a half million dollars was depleted down to whatever
10 level that is, I think it went down to three, maybe to
11 five.

12 ADMIRAL ROBBINS: It did go that low.

13 MR. WENK: That there was not an aggressive effort
14 to restore funds to a level, by which the Coast Guard
15 could indeed carry out its responsibilities. I'm
16 wondering now, since, and I certainly understand your
17 point about the high variability in response depending
18 upon circumstances. But the particular situation here in
19 Valdez, was one that led the Coast Guard to establish an
20 office in Valdez, and I assume regional contingency
21 plans. Which would take note of some assumed worst case.
22 What was the worst case?

23 ADMIRAL ROBBINS: Well, what you say is probably not
23 quite correct. The fact that the Valdez, and the marine
25 safety office was established in Valdez, was a direct

1 result of the pipeline. Their responsibilities are much
2 broader than just the on scene coordinator duties that
3 might come up. So, the...I don't think that one
4 necessarily came out of the other. The on scene
5 coordinator, for instance, in this area that designated
6 on scene coordinator for Homer, is the Marine Safety
7 Office in Anchorage.

8 MR. WENK: Well, let me not limit my questions to a
9 geographical constraint. How large was that Valdez
10 office when it was first opened?

11 ADMIRAL ROBBINS: How large?

12 MR. WENK: How many people, yes.

13 ADMIRAL ROBBINS: I don't know. I did know, but I
14 don't remember the number.

15 MR. WENK: Have you got any feeling whether there
16 are less there now, than at the maximum?

17 ADMIRAL ROBBINS: Oh yes, there are less. It was
18 cut back two to three years ago, on one of our budget
19 cuts.

20 MR. WENK: May I persue that question of budget
21 cuts?

22 ADMIRAL ROBBINS: Sure.

23 MR. WENK: Do these responsibilities, I'm sorry.
23 Are the resources you need to carry out your
25 responsibilities a line item in your budget?

1 ADMIRAL ROBBINS: Not really, because what...you
2 know, it's a complicated answer to that question. What
3 you have, is you have a Marine Safety Office that has a
4 number of duties, but we all recognize that when
5 something large comes up, of the nature of a spill like
6 this. Or one not even as large, they are not, they do
7 not have the complement the number of people to handle
8 it. So, what we have to do is import people to fill in.
9 So is it a line item that's allowed for, not really.

10 MR. WENK: Was it ever?

11 ADMIRAL ROBBINS: No, no it never was. We had more
12 capability in the, you know, that grew out o fthe
13 seventies, that grew out of the seventees. But that
14 attention drifted off into other areas, like drug
15 interdiction, and some other things that. So.....

16 MR. WENK: I'd like to ask.....

17 ADMIRAL ROBBINS:It's not as big as it used to
18 be.

19 MR. WENK: Mr. Chairman, I'll be fairly brief on
20 this, but I want to get at this question of matching the
21 resources to the job. Admiral Yost has been quoted
22 widely as commenting just as you did now, about
23 priorities for drug interdiction, and illegal alien
23 interdiction, and so on.....

25 ADMIRAL ROBBINS: Which incidently, that one was

1 never funded.

2 MR. WENK: The Hation operation, I see. In any
3 event, his comment may be misquoted in the press was
4 that, "The relocation of funds within the Coast Guard
5 budget, was entirely a result of public pressure." We
6 understand these are political, but now let's back down
7 to what Coast Guard wanted. Did the Coast Guard want
8 more funds in order to do this job? Did you request more
9 funds when you sent your budget up to the Secretary of
10 Transportation? Did he cut it? Did he send it on to the
11 opposite management budget, and did they cut it? Did the
12 Secretary of Transportation appeal that to the President?

13 ADMIRAL ROBBINS: I don't know for sure, but
14 probably not. It was probably decided in the priorities.
15 We'll get pretty good signals from the Congress on what
16 they'll fund, and what they won't fund. The budget is a
17 definite envelope which we have to fit within. So we
18 crowd the things in, so I suspect because there wasn't
19 any great effort by any great pressure from anyone at the
20 moment. On enviornmental issues, oil pollution and that
21 sort of thing. It probably died of its own weight.

22 MR. WENK: One last set of questions having to do
23 with the role of the Coast Guard: I asked this question,
23 I think at Seward, and I want to amplify it a little bit.
25 I referred to the American Petroleum Institute report,

1 that was issued in June, in which they advertised with
2 fairly substantial public press releases. That ten year
3 investment by the industry, of two hundred and fifty
4 million dollars, in the lower forty eight. No mention of
5 Alaska, in terms of hardware availability for response.
6 What they did not mention in the press release, which is
7 in the report, is the fact that the, I'm going to quote
8 now, "The U.S. Coast Guard under the direction of the
9 Secretary of Transportation offers the best means for
10 control of catastrophic spill response logistics in
11 management and so on, and so on, and so on. Is therefore
12 proposed that the industry support management of the
13 spills by the government." This is the authority for
14 doing this, section 311.C. In other words, their report
15 is a house -- is a house of cards. Their proposals,
16 unless the Coast Guard is able to fulfill what they write
17 in here, as their responsibilities. My question is, did
18 they ever consult with the Coast Guard on this do you
19 think?

20 ADMIRAL ROBBINS: Well, not to my knowledge. I
21 think probably there were some individuals involved that
22 were past members of the Coast Guard in one way or
23 another. So they probably had some expertise in the area.
23 To my knowledge, I know of no direct consultation
25 on...how would you do that? It's easy to say, do that,

1 but when you start talking about it. We've heard this
2 morning about the organization, and the fact that getting
3 people out to set up the organization, to manage a spill,
4 and that is indeed important. We have strike teams, we
5 used to have three, but we now have two, for the same
6 reasons I've already described. They have been
7 absolutely to my operation up here, but there are just
8 not enough people to go around over a long pole, that I
9 can keep those people on the scene all the time. In
10 order to do what they suggest, as I see it, and what has
11 been suggested here this morning, if it is desired that
12 the Coast Guard do it. I don't care who does it,
13 somebody ought to do it. Get an organization that's
14 ready to go, and set up the structure that's needed to
15 manage this kind of a spill quickly, and give them the
16 authority to make it happen. Until that happens, you're
17 never going to manage a spill of this size with any kind
18 of.....

19 MR. WENK: It's very interesting to notice in the
20 API report, they are very specific about the amount of
21 money going into the hardware. Provided about industry,
22 there's not a single word about dollars for the Coast
23 Guard, or whatever federal entity should ever be in
23 charge. I guess you have to hope that if the Congress is
25 as sensitive as we all suggest is the case, that somebody

1 is going to let the congress know that's a necessary part
2 of this. One last question. It has to do with the
3 extent to which the Coast Guard has been consulted on
4 this contingency plan that has been referred to being
5 prepared by BP for Alyeska. Which incidently was
6 required by the State of Alaska, I think due date August
7 1. I guess, number one, the extent of which you've been
8 consulted, but number two they're in assumption in that
9 plan. If you have seen it, of the role of the Coast
10 Guard that's similar to the one in the API.

11 ADMIRAL ROBBINS: I don't know. From what I've seen
12 of it, I don't see such an assumption, although they have
13 talked to me about it, and I was at a presentation about
14 it last week. There, that's kind of the way it's set up,
15 is an operation almost within itself, as I see it. Thank
16 you very much, thank you Mr. Chairman.

17 MR. PARKER: John.

18 MR. SUND: Thank you Mr. Chairman. Welcome back
19 Admiral. For the audience, we talked to the Admiral
20 yesterday. We've had a time to reflect on some of his
21 answers, and some questions that we didn't ask. I guess
22 I...We just talked a little bit about prevention, and the
23 concept that the real basis is that we've got to prevent
23 this stuff from happening again. I guess it goes into
25 the Coast Guard, who takes care of the crew licensing

1 factor. You have to have a Coast Guard liscense to run
2 these ships. We're talking about in this case, a bridge
3 command failure to put a ship on. The Prince William
4 Sound, in 1980, was an engine room failure. It drifted
5 around for a lack of power. And also the great phrase
6 now, is the human factor involved in this. What is the
7 Coast Guard proposing to do in regard of trying to
8 increase the crewing, or the manning, or the relationship
9 of technology to people on the bridge. All of those
10 factors, that seem to keep coming up, what's the role of
11 the Coast Guard in helping resolve some of those issues?

12 ADMIRAL ROBBINS: The role we have, of course, is to
13 work on what we think is appropriate. Try to get them
14 through the international organizations, to get the
15 international organizations to accept those rules. And
16 possibly, as has happened in the past, when the
17 international organizations won't, for some reason or
18 other comply, or set new rules. Then the United States
19 has taken unilateral action, and if there is enough
20 pressure behind such a move, I think that might happen
21 again. Right now, the commandant has laid on a
22 requirement for a study of the contingency plans, and
23 that sort of thing that's outside of the question that
23 you ask. That date is 1 December that those contingency
25 plans are supposed to be reformed, and into the comman-

1 dant for review. In regard to all of these other
2 actions, the commandant, as of yesterday. I talked to
3 him after we talked. To find out what the status was,
4 and the list of all of the initiatives that are being put
5 together will be to him this week, and this coming week,
6 for a review. There's a number of initiatives going on,
7 and frankly, I'm not aware what those initiatives are.
8 But I'm sure it has to do with the manning of ships, and
9 construction, and a number of other things.

10 MR. SUND: I don't know if it's possible to get into
11 this. I was going to see what is presented to the Coast
12 Guard's budget towards prevention, or crew licensing, or
13 crew review, or manning of ships, or those types of
14 things. I know you set some level of minimum standards
15 that have to be met. I guess you've got to throw VTS
16 into this.....

17 ADMIRAL ROBBINS: Surely.

18 MR. SUND: Question too.....

19 ADMIRAL ROBBINS: Surely.

20 MR. SUND: It would be interesting to see how your
21 budget allocations come down. I understand congress is
22 the final authority, but also, you're aware as well as
23 well as we are, that there's internal prioritization
23 within any organization, of perhaps what you feel is
25 important. My guess, or my question is, is anything go-

1 ing to change? Is the status what is occurring in today's
2 shipping acceptable to, Alaskan's, to the United States,
3 to the Coast Guard, and is this just an aberation that
4 happened, and we're just going to let it go at that. Or
5 is the status quoe not acceptable, and are we going to do
6 anything about it, in terms of crewing, manning, ship
7 design and that. I don't.....

8 AMIRAL ROBBINS: Well I can only...In that regard, I
9 can't specifically answer that, because those kind of
10 changes in direction take a while, and you usually find
11 out later whether those directions changed or not. My
12 own feeling is, they ought to change. That we ought to
13 be reviewing very carefully the things that we have, that
14 we are responsible for, in enviornmental affairs, if you
15 will. And taking a wrong turn on them as they say.

16 MR. SUND: Mr. Chairman, I have a question for Mr.
17 Griswald here, just a technical thing, when you issue a
18 work order to Exxon, you showed me this list, you go to
19 SCAT, and all this. Finally, a work order goes, or they
20 give you a work order, and you approve it, and you send
21 it back to them. Do they immediately respond by putting
22 people in the field, or does it go on to some lise of
23 approved work orders, that then they later prioritize.

23 COMMANDER GRISWALD: No, normally they're ready to
25 work on that particular beach, and in some cases already

1 started to work, before the work order was approved.
2 That was agreed upon quite some time ago, that rather
3 than have work orders hold up the work process. That
4 they be permitted to work before the work order was
5 approved. The only problem with that is that their State
6 archaeological questions, or any ecological constraints,
7 that they've been advised that if they do take on work
8 without a work order, that they carefully check with
9 those two groups of people, to ensure they don't do
10 something, that later on, they're going to wish they
11 hadn't done.

12 ADMIRAL ROBBINS: Along those lines, just to lash
13 out a little bit, for the fun of it maybe. One of the
14 problems, that we've talked around here. Is the fact
15 that you don't have authority, I don't have authority to
16 take actions. So the business of the permits that came
17 up this morning is a good example. I ought to have the
18 authority to issue permits. I'm paid a handsome salary
19 to make decisions. I ought to be able to issue permits.
20 I ought to be able to say that if Exxon has said that
21 they've followed the standards that are set up. I ought
22 to be able to say, "go work that beach." But I find what
23 happens is, that after we've said go work the beach,
23 someone goes out and shuts them down because they don't
25 have windows in their tents, or they are using chain saws

1 to cut up logs, when it said no heavy equipment.
2 Somebody has misread a piece of paper, and gone out and
3 shut them down, outside of the organization, that we've
4 set up. Those things are extremely frustrating, and
5 there's a lot of time lost on those kinds of actions.
6 And if you were a benevolent dictator, maybe you could
7 stop some of those things, but you have to remember when
8 you do that, what your giving up. You're giving up some
9 of the State's rights, and State's authority. So if you
10 want to...I guess one of the options that would be there,
11 is to put somebody in the State in charge. Then, who
12 would have to deal...he or she, would have to deal with
13 all those other entities. You could make him, or her the
14 benevolent dictator.

15 MR. SUND: Just to follow up on that, it seems it's
16 really a jurisdictional issue. That when the oil was in
17 the water, it obviously was in the Coast Guard's. But
18 now we've got the oil on the beach, and we've got the
19 land managers involved. And you're saying that perhaps
20 maybe when the oil hits the beach, the land managers
21 ought to be involved in cleaning oil off the beach.

22 ADMIRAL ROBBINS: Well, that would be all right, if
23 it were one land manager. You're going to run into the
23 same problems, with different circumstances, different
25 rules, and different areas. One requires their own

1 people, to be bear guards. Another says they'll hire
2 them. One says they'll check out an Exxon guy to do it.
3 All the rules are different, and you're fighting those
4 kind of things everyday.

5 MR. SUND: Admiral, I was born and raised in
6 Ketchikan. I'm quite aware of all the different rules of
7 Federal and State agencies. I am also in the fishing
8 business, which brings in another factor of life.

9 ADMIRAL ROBBINS: I'm sure it does.

10 MR. SUND: Just to clean up this mornings paper.
11 Reading it on the plane coming down here. Says the State
12 sent you a letter. Knowing how news papers work, I first
13 have to ask you whether you got the letter yet, or did
14 you read about it in the paper?

15 ADMIRAL ROBBINS: No, they...I.....

16 MR. SUND: I was in politics for five years. It has
17 happened several times to me. Secondly, if you have read
18 it, maybe you could answer it for the audience. The
19 State has expressed a great deal of concern that Exxon is
20 going to start demobilizing and pulling people off the
21 beaches. That if they're not going to stay around this
22 winter, to do any winter work, and may not be planning to
23 come back in the spring. So they've written a letter to
23 the Admiral, asking that the work go on as intensively as
25 possible, til the weather turns bad, but that work re-

1 sumes at this summer's pace early next spring, and beach
2 cleaning, continue to protect, and ect. I was wondering
3 if you had a response to it at this time?

4 ADMIRAL ROBBINS: I just read it before I left
5 yesterday morning. They did...I did...It was hand
6 carried over, and marked for me. So that it wouldn't be
7 any question about whether I got it or not. It is a
8 letter that outlines pretty much what the article says.
9 The last, the next to the last paragraph, as I recall,
10 said, "Of course, we don't want to do anything to
11 compromise safety." Well, when we started this whole
12 clean up effort, one of the things that we ask, and were
13 told that, "Boy, you better be done by 15 of September,
14 because the world really turns bad up here, and you can't
15 work past 15 December." So, we said, "All right." We
16 set 15 December, or September, excuse me, 15 September as
17 our target date. So that's what we've done, and we
18 planned around that, and, frankly, had planned to
19 demobilize at that time. Because, we couldn't work
20 safely in the area. Now, we get somebody else telling
21 us, oh well maybe you can work safely, but don't do
22 anything to compromise safety. I's the economy, which we
23 have to deal with. We're going to ask Exxon to work as
23 long they can, but there comes a time, when you have to
25 get that heavy equipment out of the field, or you'll

1 loose it. You can't be mobilized one day, and
2 demobilized the next. This is a big operation. There
3 are ten thousand people involved, and there's a fleet out
4 there that numbers over eight hundred, possibly over a
5 thousand by now. There's no instant results. Some day,
6 some time, in the very near future, we're going to have
7 to set a date, and say the major operation is going to be
8 curtailed after that. Now, that doesn't mean that
9 monitoring, and actions can't be taken if there is a
10 problem. We hope that the beaches will be treated well
11 enough, that at that time, there won't be migrating oil,
12 and that sort of thing. Certainly, if there is migrating
13 oil, or damage occurring to the environment, because it is
14 causing a problem. They are going to have to do booming
15 or that sort of thing. So they'll have to have some kind
16 of strike force around it, to handle those things in each
17 one of the areas.

18 MR. PARKER: Thank you. Esther.

19 MS. WUNNICKE: Just one question. When you spoke
20 about initiatives that are going in to the Commandant
21 soon. Correct me if I'm wrong, I'm assuming that this is
22 the Coast Guard looking at the Exxon Valdez grounding.
23 And then within its jurisdictions, looking at what it
23 needs to do, perhaps to shape up.....

25 ADMIRAL ROBBINS: Yes maam.

1 MS. WUNNICKE:for lack of a better word.
2 Would it be possible, since we're interested in that kind
3 of response. And we've seen the Alyeska's response to
4 the State's order, and as I said earlier, I think
5 everyone involved is looking from their own perspective
6 of what they need to do. Would it be possible for us to
7 know those initiatives, and when might we know them?

8 ADMIRAL ROBBINS: I'll check on that, I suspect that
9 they will be publicized. Because, as far as I know,
10 there's no secrets. One of the pieces of paper, that I
11 guess I have it in my briefcase. The, John, do you want
12 to dig that out, that all districts message I will leave
13 with you, that tells what our review is. What it amounts
14 to on the contingency plans that I talked about
15 yesterday. I'll leave that with you, and we'll check on
16 the other, to see if that could be made available.

17 MS. WUNNICKE: One other thing please, Mr.
18 Chairman, and that is ne of the things that we're looking
19 at, because we're as concious as you, and the members of
20 the MAC committees that we've heard from, are of the
21 jurisdictional, and often organizational barriers, to the
22 ability to cooperate and to respond rapidly and in a
23 catastrophe. Have you done anything yourself, or anyone
23 within the Coast Guard has done anything identifying
25 those jurisdictional barriers, or organizational barriers

1 that you could share with us. I would certainly
2 appreciate that also.

3 ADMIRAL ROBBINS: I don't have those with me,
4 but.....

5 MS. WUNNICKE: I'm sure you've thought about it.

6 ADMIRAL ROBBINS: Yes, I do indeed. I have indeed.

7 MR. PARKER: Okay, anyone else?

8 MR. SUND: I've got as real simple question here. I
9 had an oil spill at a fishing resort I ran a few years
10 ago, and we put fifty gallons of diesel in the oil or
11 something. We called up the Coast Guard, and reported it
12 like we're supposed to, and we made our best effort to
13 clean it up, and I got a fine of seven hundred and fifty
14 dollars. About a year later, I had, a similar type of
15 spill, in the winter. The guy called in, the caretaker,
16 and it was another fifty, sixty gallon diesel spill,
17 which can look like a massive amount. And he made his
18 best effort to clean it up, and we reported it, and we
19 got a fine of fifteen hundred dollars, because now I'm a
20 repeat offender. My question is, what's the anticipated
21 fine going to Exxon for this spill? Although Mayor
22 Calhoun has said, it's obviously not a deterrent, because
23 the cost of clean up, is probably way in excess of
23 anything you can fine them. There obviously has to be
25 some token effort to tell them what they did was wrong.

1 ADMIRAL ROBBINS: Yeah, I really don't know what the
2 answer is to that. I don't even know what the limit of
3 that was. It used to be, the initial amount was five
4 thousand dollars. Five thousand is the limit on that
5 fine that we can give them. But, when it goes into
6 litigation, of course, proof of negligence, and that sort
7 of thing. That's probably unlimited.

8 MR. SUND: Yeah, I think even under proposed
9 legislation, and Congress. There was a limit of
10 liability. But there was a bill that I was reading,
11 recently that, if you could prove recless disregard. I
12 think then, you can get an unlimited, and I think it's
13 probably the effort of the State to file felony charges
14 against Hazelwood. If they can't prove recless
15 disregard, I think there's probably some limits that will
16 come in on what can be recovered from Exxon.

17 ADMIRAL ROBBINS: It's a tough, tough thing to prove
18 as you may well know.

19 MR. SUND: Yeah, I think maybe a little strict
20 liability wouldn't hurt, but anyway, I appreciate it.
21 I'd like you to know, it's real heartwarming to know to
22 me, that I paid a third of the fine that Exxon's paid for
23 this spill.

24 MR. WALLIS: Yes Admiral, following that, has Exxon
25 been cited by the Coast Guard yet?

1 ADMIRAL ROBBINS: I'm sure the paper work has gone
2 in. I don't know for sure. I would assume that it has
3 by now.

4 MR. WALLIS: Say in the past, ten years, how many
5 pilot's liscenses has the Coast Guard ever revoked?

6 ADMIRAL ROBBINS: Not very many. The revocation,
7 and we're talking about ship pilots, of course, is a
8 tough thing to handle. Because in many of the cases
9 where violations of law occur, they're operating under
10 State liscense, and the Coast Guard had no authority, the
11 Federal Government has no authority over those liscenses.
12 I can get you the exact number, if you would like it
13 commissioner. For the ones for where they've been
14 operating under, their federal liscenses. Evidently
15 they've had their liscenses revoked. In fact, I'll get
16 you the, I'm sure that someone has done an historical
17 statement on that, that is up to date. And we'll get you
18 that.

19 MR. WALLIS: One other question. How many tankers a
20 month, or a week, or whatever, are the Canadians shipping
21 through the Arctic Coast?

22 ADMIRAL ROBBINS: I don't know the answer to that.
23 I'll find out.

23 MR. WALLIS: And also could you find out if they
25 have any contingency plans, if there is a spill on the

1 Arctic Coast.

2 MR. PARKER: Okay, thank you. I have a few house
3 keeping items. Commander Griswald, you had sixty five
4 miles left to go, I believe, and how does it look? Will
5 that be finished by September 15? By your best estimate.

6 COMMANDER GRISWALD: I can probably tell you in five
7 days. We have teams we call rat teams, resource advisory
8 teams, they are made up of the members of the inter-
9 agency shoreline clean up commity that are attempting to
10 get out this weekend. They tried yesterday, and could
11 not get out, because of weather. They're going to advise
12 me on if they feel like that the beaches that are left,
13 are feasible to clean up with mechanical types of clean
14 up. For example, warm water washing, or whether the
15 beaches because of the life that's in the beach, or the
16 fact that any disruption of the beaches may do more
17 damage than cleaning up the oil. So I would expect by
18 next Wednesday to have the figure. Righth now I could not
19 estimate.

20 MR. PARKER: Okay, that would be about a mile a day,
21 which, based on past performance, would that be feasible?

22 COMMANDER GRISWALD: Well, don't forget, too, that
23 we have ten demobs in there. That total mileage there,
23 if we were demobilize those beaches within the next four
25 or five days, again, pending flights out, could be as

1 many as ten miles. So, if you look at that, it's a
2 possibility. Exxon did give us a number of man days that
3 they felt they needed to complete the spill. And, once
4 again, I have to wait for our rat to go out to make an
5 evaluation before I could even advise them. It's either
6 four thousand and forty five man days, or four thousand
7 four hundred man days. It's in the four thousand range.
8 And obviously, that could be one person working for four
9 thousand days, or four thousand people working for one
10 day. So that's why, once I get our evaluation from the
11 rat team, I would say by Wednesday, then I could comment
12 whether I feel like they could be finished by September
13 15. Certainly weather wise, we had two great weeks of
14 weather here. I think we were optimistic that the more
15 work would be done now that we've had two or three bad
16 days of weather. Now that we've had two completely days
17 with no work whatsoever, it's not so optimistic.

18 MR. PARKER: Okay, thanks on the matter of extending
19 past September 15. I've tracked the great American oil
20 industry now since 1947 in the Arctic, in one guise or
21 another, Federal, State, or private contractor. And
22 watched them work under some very adverse conditions with
23 reasonable degree of safety. I have great confidence in
23 their ability to deal with these conditions down here
25 compared to what I've seen them handle in the Arctic over

1 the last forty years. Admiral, if the spill had been
2 federalized, would that have given you command authority
3 you needed? Assuming the resources were also there?

4 ADMIRAL ROBBINS: Assuming the resources, of course,
5 is a big assumption. We would have been closer to it, no
6 question. If I had had the resources say, that Exxon
7 has, and had those at my fingertips, and my authority was
8 broadened so that I could do some of the things that
9 Exxon could, for instance, otter centers, and a lot of
10 the things, the extra things they've done. Impact aid,
11 and that sort of thing, isn't authorized in 311.K. So
12 those kind of things I couldn't have done, but the
13 authorities would have been clear, as far as my ability
14 to get things done directly. But, it still isn't clear
15 in the regulations and legislation, that I would have
16 authority over State agencies.

17 MR. PARKER: Okay, how about the outside
18 organization intervention with federalization of taken
19 care of that problem? I guess not, considering what you
20 just said on State agencies.

21 ADMIRAL ROBBINS: No.

22 MR. PARKER: Okay, I, let's see, we have some work
23 to do in that particular area. Then the, getting back to
23 commissioner Sund's discussion with you on tanker
25 standards, generally, and crewing and manning practices.

1 Have you ever detected there is any great national
2 penalty that the United States would suffer for going
3 ahead with unilateral action on tanker standards?

4 ADMIRAL ROBBINS: Well, every time this nation does
5 something unilaterally, there are shouts of great hurt on
6 a number of the different departments that are involved.
7 The truth of the matter is, from my experience, from the
8 few times I've seen it, there haven't been. When we
9 instituted the Act on fisheries, everybody said, hey,
10 that's unilateral action, and the world will tumble in on
11 us, and it hasn't really. The rules that were laid down
12 for the Puget Sound, for the vessels going in and out
13 there. Never appeared to cause any great problems. So
14 I'm not sure. I'm not an expert in international
15 affairs, but I've, as far as the mechanics as making it
16 happen. That is something that I'm not really expert
17 enough to comment on.

18 MR. PARKER: Yeah, thank you for that answer. I
19 think you know, from my perception of encountering it.
20 When it came to unilateral action for tanker standards.
21 Why the oil industry has vigorously lobbied against that
22 at every level, including the International Maritime
23 Organization too. It's been a great internationalists,
23 so that all tankers would operate under the same
25 standards. However, when it came to the law of the sea,

1 when the thirty years I've worked on that particular
2 issue, why the American oil industry is vigorisly lobbied
3 against. And it is probably the key factor in the United
4 States not signing the convention. So, I would hope that
5 as we proceed into the twenty first century, we get this
6 act together a little more, and if we're going to be
7 internationalists on the tanker side, why, we'll be
8 internationalists on the development side too. It's uh,
9 I have no further questions. Ed?

10 MR. WENK: One quickie, the Admiral has escaped so
11 far the question, when are you going to stop beating your
12 wife, I'm not going to ask that one. I overheard
13 Admiral, and incidently, we really appreciate your candor
14 on these. I hope there won't be any wrist slap when you
15 get back to headquarters.

16 ADMIRAL ROBBINS: What are they going to do, send me
17 to Valdez? I didn't say that. Valdez is a very nice
18 place. I've grown to like it a lot. I wish this thing
19 wasn't going on, so I could enjoy it more.

20 MR. WENK: You overheard earlier about a puzzling
21 gap between regional response team regency, reagonal
22 contengency plan, for which the Coast Guard has key
23 responsibility. But involving, some fourteen federal
23 agencies. The gap between what exists on paper, and
25 which I've understood in the break from one of your

1 colleagues does exist at some level. And what's been
2 happening at the operating level, where these MAC teams
3 were formed spontaneously. And seemed to continue to
4 operate at some time without an awareness of some
5 interagency envelope. Now, I realize the MAC teams go
6 beyond just federal involvement. I'm hoping, and that's
7 part of the question, that the RRT goes beyond federal.

8 ADMIRAL ROBBINS: It does.

9 MR. WENK: It puzzles me, and I wonder if you have
10 any comment on what seems to be a breakdown in
11 institutional functioning here, is one thing to have this
12 planning at one level. And another to have this terrible
13 frustration of people that are trying to do something,
14 and seem to be totally unaware of that plan. And
15 obviously had not participated in any rehearsals.

16 ADMIRAL ROBBINS: That is something that I've
17 suffered through since I've been here. Is dealing with
18 this grand organization, that's supposed to work, the
19 Regional Response Team, and the National Response Team.
20 It looks good on paper, but when one gets down to the
21 operating level, or where the rubber meets the road, on a
22 big spill like this, you have different jurisdictions,
23 different concerns. From the very beginning, I felt that
24 if the local organizations, the local people, and the
25 other sectors outside Valdez weren't heavily involved

1 with the decision making process, they weren't going to
2 be satisfied with the results. They probably aren't
3 going to be satisfied with the results anyway, because
4 the beaches will never be as clean as they were before
5 the Valdez spill. If they have a part in the solution,
6 ther are more apt to be less problems. So, I felt very
7 early that that kind of an organizational set up was
8 needed. I supported the MAC, I supported...we have in
9 Valdez a shoreline committee that works on the priorities
10 and that sort of thing. If I have a fault to find in
11 that structure, is that if we really have a regional
12 response team, they ought to be located down here. Not
13 in Juneau, not in Anchorage, not somewhere else. Because
14 a phone call that takes you a couple of hours a day, and
15 in the beginning they were meeting every day, was one of
16 those things that I really didn't need. All it did was
17 complicate my life, so my chief of staff went to them,
18 and I will be quick to say, maybe I didn't give it time
19 to do its job, and so gave it short shrift. I apologize,
20 but I just didn't see that it was solving a need. I
21 think we really need to look at that, to see how that's
22 going to work. Particularly in a spill of this size. It
23 may be that it will work on a smaller one that's limited
23 to a small area. But something this massive, it's
25 unwildy. I got the feeling sometimes, that there were

1 someone in charge. I know that agencies are very jealous
2 of their programs and regulations, and don't like other
3 agencies to override them, but it just seems to the best
4 interests of everyone in the State of Alaska included, to
5 have one person from one agency who coordinates all of
6 the activities of the agencies so that people know where
7 the buck stops. We lost our executive director, Lauren
8 Flagg, who came down and headed up the response team
9 here. I know that it was just crazy here, because people
10 wanted answers, and weren't getting answers, and no one
11 seems to provide those answers. The other problem that
12 we've had, and is the same thing that you see us going
13 through, is we've had fishermen that have had gear that's
14 been fouled by oil. When we've been open, we've lost
15 fishing time, and we want to know how we're going to be
16 compensated for those kinds of things. It would be nice
17 to have someone from the State who could help coordinate
18 or expedite the claims situation. At least to give us
19 some focus, because although the enchant of our
20 association is to assist our fishermen, it is almost an
21 impossible task right now. I go home because I don't
22 have a phone there. So I can get some work done. And I
23 have a non-stop stream of fishermen coming to my door.
23 And you can't seem to really get anything accomplished,
25 so it would be nice to have some assistance from the

1 State to help expedite what is necessary and so forth. I
2 know that Sonya is going to hit on a point here, and I
3 had it down on one of my points, and I think it's worth
4 repeating. So I'll say it first, so she can repeat it.
5 I was reading a study last night, and was concerned about
6 the standard of clean up. And what's good enough, and
7 watching the news, and Commissioner Kelso was concerned
8 that Exxon wanted to pull out by a certain period of
9 time, and say that's good enough. I think it would be in
10 our best interests if the State of Alaska would set the
11 standard of what's clean, and not the parties responsible
12 for cleaning it up. Because we know better than Exxon,
13 or ARCO, or anyone else what the standard of cleanliness
14 ought to be for our waters, and our beaches. And I think
15 it would be in our best interests to set that standard
16 and then to insure that those responsible for the clean
17 up meet those standards, so we can go on with some normal
18 life in the State of Alaska. And I could go on and on,
19 but there are other people here who are going to hit
20 areas that I'm concerned about for tanker traffic, and
21 continuity plan specifications. So I would just like to
22 answer questions if you have them.

23 MR. PARKER: Okay, thank you, Cheryl. Meg?

23 MS. HAYES: Have you seen the Cordova information
25 sheet? The sheet that Cordova has been putting out to

1 disseminate information to local residents.?

2 MS. SUTTON: We've had a real problem with
3 information flow.

4 MS. HAYES: What I'm wondering is, whether a sheet
5 like that, but on a state wide basis would have helped on
6 this situation, in terms of getting information out to
7 people?

8 MS. SUTTON: The basis problem you're dealing with,
9 is that information changes every five minutes. We were
10 producing things to mail out to fishermen in general.
11 But by the time I could write it, type it, and print it,
12 it was out of date. That's how rapidly the situation
13 changes. I don't know if there's a simple solution to
14 that. We want to keep people informed because when
15 people don't know what's going on, they have a tendency
16 to get real unset. I don't know, that might help, but I
17 don't know.

18 MS. HAYES: My second question is about the State
19 definition of what is clean. I can see why every agency
20 would back away, and not want to be the one to pop its
21 head and say we've decided what clean is. In your
22 personal feeling about it, would you be ready to accept
23 the concept that clean was something less than what it
23 was before the spill?

25 MS. SUTTON: No I'm not. I say that because I'm

1 someone who earns her livelihood from the waters of the
2 State of Alaska. When I look at my future, it doesn't
3 look too bright. When I look at it just from a market
4 stand point, it doesn't look too bright. So, no, I'm
5 not willing to accept that.

6 MS. HAYES: Okay thank you.

7 MR. PARKER: Ed.

8 MR. WENK: Thanks very much Mr. Chairman. A couple
9 of quick points, and then a question or two. Several of
10 you have made a strong case before going on with your
11 testimony, that brings in to account always an old
12 saying, that an ounce of prevention...the only trouble is
13 the ratio there is about 1 to 16. I'm not sure when we
14 price this out, whether 1 to 16 is really going to work.
15 But, please be assured that the Commission is mindful of
16 your points, and others have emphasized the same thing.
17 You may have heard Commissioner Sund recount earlier
18 today the testimony we had in Anchorage, that even under
19 the very best of conditions, only twenty percent recovery
20 of spilled oil is likely. That says something about the
21 need for prevention. Now with regard to question. I
22 think asked that the State defined what is clean, and we
23 realize even that in every day usage that word is
23 somewhat ambiguous. But nevertheless, I'm emphasizing
25 your point about State defined. Other Commissioners

1 might correct me on this. I had the impression that ADEC
2 was serving as a consultant of the Coast Guard. Which in
3 turn, had the action authority to certify to the
4 contractor, what is at least acceptable. Forget the word
5 clean, in order to move on. Am I right that this is what
6 we had heard?

7 MR. PARKER: I think you're correct, yeah. I think
8 we can get more of that from the MAC group members when
9 we get back to them.

10 MR. WENK: Okay, I was just hoping that the
11 Commission was not put off balance by having two
12 conflicting information on this very point.

13 MS. SUTTON: I think you're correct in that, and
14 part of the problem in that, is that there's real
15 confusion. Some sympathies in that would go toward Exxon
16 in tha regard that they might be getting mixed signals.

17 MR. WENK: Okay, fair enough. As long as the line
18 of authority is clear, but the mixed signals can still
19 happen. Just one other question, and it has to do with
20 your plea for prompt and authoritative information. Did
21 you sense anywhere along the line here that some agency
22 represented in Homer was aware of the need for public
23 information. And felt that it was within their range of
23 responsibilities.

25 MS. SUTTON: I really can't answer that because I

1 wasn't in Homer that frequently, and I was trying to
2 handle other problems up north. While Lauren, our
3 executive director was down here, there'd be other people
4 that could probably answer that for you.

5 MR. WENK: We heard earlier today why MAC had other
6 decision making responsibilities, and really couldn't be
7 counted upon to be the information source. This was not
8 denying the public access, but simply saying they're not
9 going to be the broadcast unit. But my question was,
10 whether anybody else who within their range of authority,
11 and I'm even thinking in terms of representatives of the
12 Governor's office. Mr. Laresche might have had some
13 responsibility here. There were people here from the
14 governor's office, and the time that I was here, I
15 wouldn't say that they were the information source. The
16 Governor was here earlier on, and had a public meeting,
17 and made some expression toward setting up some kind of a
18 committee, or group that could both be an information
19 source and help expedite claims for fishermen. To my
20 knowledge, that has never come about.

21 MR. PARKER: Okay, thank you.

22 MR. SUND: I just want to put out a general comment
23 here. Because everybody, both you and Dave said well,
23 we've got to prevent this. And then you went on to your
25 next testimony. Prevention is a matter of trade offs, as

1 we found out. It has been coming down a little different
2 than the Kenai Burrough. Different people having
3 different interests. Prevention in this case in being
4 safety is gonna cause increased cost possibly. More than
5 likely, if you try to do something safer, or different
6 than it's being done now, increased cost are going to
7 affect margins on the bottom line, or profitability, as
8 we call it. And Mayor Gillman testified yesterday in
9 Seward that he wanted to be very careful, on say, take
10 into ...if you applied these things of prevention that's
11 being concepted for Prince Williams Sound, to Cook Inlet
12 tanker traffic, it could make the marginal Cook Inlet oil
13 fields unprofitable, and therefore shut them down. And
14 at this time, he wasn't willing to do that. Mayor
15 Calhoun this morning, testified that if it was necessary,
16 so be it. and I've been in the legislature five years
17 listening to testimony from the Kenai peninsula. I
18 understand that every group here has its own opinion.
19 And is very articulate about voicing it. And I guess I'd
20 ask you from the fisherman point of view, what do you
21 think?

22 MS. SUTTON: Yeah, I would have to agree with the
23 Homer opinion on that one. If so be it, then let it
23 happen. I always have to go back to another issue that's
25 a little easier to understand. Take the Kenai River. If

1 we have unbridled development on the things of the Kenai
2 River, and we lose the very thing that attracts the
3 tourists. And King Salmon will be the first affected
4 because of where they tend to travel in the stream, and
5 where they tend to rear in the stream. If we lose that
6 because of unbridled development, is that development,
7 and is that progress? And I understand there have to be
8 tradeoffs, and I think you have to look at it for the
9 long term. And if that's the case, that's the way it's
10 going to have to be to protect the long term.

11 MR. SUND: Well, as Commissioner Wenk would say,
12 costs are only a matter of who pays.

13 MS. SUTTON: Yeah, as long as we don't pay, it's
14 allright.

15 MR. SUND: I was trying somehow to keep the Kenai
16 river dispute out of the Oil Commission. I just started
17 to spend some time thinking about how to prevent these
18 spills. And it gets into crewing and manning, and tanker
19 design, and traffic flow patterns. And then basically,
20 the concept whether you ought to be in the tanker
21 business at all. I don't have an easy answer. I guess
22 one of the questions I asked earlier, is that of all the
23 stake holders involved, the companies, the government,
23 and in this case, the people here who have to eat the
25 oil. It seems, from our analysis anyway, that the one

1 stakeholder that the people in the immediate area don't
2 have very much say in prevention. I was wondering if the
3 poeple, local people in the area have any concern about
4 that, or would like to be, or think they ought to be
5 involved in what the prevention, or safety matters are
6 with tankering oil.

7 MS. SUTTON: Yeah, I feel that people in Homer
8 definately feel that they should be involved. I think
9 that's actually pervasive through the Peninsula.
10 Everyone I know feels that they should have some
11 involvement, because we have to live the realities of it.
12 I think back to the expenses, when we talked. Yes it
13 will cost money to beep up a prevention program, but if
14 we can look at the dollars that exxon is going to have to
15 pay for this spill. They would have been better spent in
16 prevention than the way they're being spent now, because,
17 I agree with Dave, I don't want to have to stand in line
18 to collect a check from Exxon. I want to fish. You just
19 have to look at where we're going to spend our dollars.
20 I think the other thing we're going to have to face up to
21 is, let's be honest for once. We've been told a lot of
22 things by the oil industry in this State that are not so.
23 And I think as fishermen, we've gone the mile with them.
23 We really have. we've sat down with them, we really
25 have. We've sat down with them, but we need some hon-

1 esty. We should have been told. We were told that we
2 have everything we need to clean up the spill. I can't
3 tell you how many times I've been told that to my face.
4 And the reality was, they never had any means to clean up
5 a spill of that magnitude.

6 MR. SUND: Not only that, the means does not exist
7 in the world today. So that's a fact. I'd like to leave
8 with one comment here. I know I promised the Chairman
9 not to ask any questions this afternoon, but...if you and
10 your group would think about the problem that we have to
11 face, and I asked the Mayor Calhoun this morning to think
12 about it. We have to deal with the reality that this
13 could have been a bankrupt third party that caused this
14 spill. And where would we be now, and how would we deal
15 with it, and we need to come up with a plan on how to
16 handle this type of a spill, without having to de-pocket
17 Exxon. And its not really time for the table to thrash
18 it around, but if you and your group would think about
19 it, we'd appreciate it.

20 MS. SUTTON: We have thought about it, and I intend
21 to submit some written testimony to you. We've actually
22 lived that with Glacier Bay, to a certain degree, and
23 have thought about it a lot.

23 MR. SUND: Thank you.

25 MS. SUTTON: Thank you.

1 MR. PARKER: Okay, thank you Cheryl. On the
2 information systems, I think that Cordova got their fax
3 sheet financed through the Exxon reemblersables. And the
4 advantage you have on the fax sheet, you can give it to
5 the radio stations too. So, once you have the fax down,
6 you can distribute them. You do have to find some means
7 of paying for it, and that's what they did.

8 MS. WUNNICKE: In that connection too, I think one
9 element of the incident command system too, is one of
10 regular official information system. Is that correct?
11 Yeah.

12 MR. PARKER: Cook Inlet Seiner's Association, Dan
13 Calhoun.

14 MR. CALHOUN: Mr. Chairman, Commissioners, my name
15 is Dan Calhoun. I'm a representative, and on the Board
16 of Directors. I thank you for your time and effort, and
17 concerning this issue, and for coming to Homer to hold
18 this meeting. The Cook Inlet Seiners Association is a
19 fairly new organization. It's only a couple of years
20 old. When the oil spill happened, we were ill prepared
21 to, basically, deal with this type of issue. Our past
22 involvement in this issue is initially to provide input
23 to the decision making process, as to areas to protect
23 with criticle habitat areas, and resource areas to
25 protect with boom. We worked in the area of availability

1 of vessels. Being that we have vessels in this area that
2 are maybe used for clean up, and protection of area.
3 We've had discussions of State Agencies concerning
4 fisheries management strategies, and oil impacted areas,
5 particularly in the lower Inlet. We've been involved in
6 the discussions and development of a claims mechanism
7 with Exxon, for the fishing industry. We've had efforts,
8 basically, to gain access to Exxon at the appropriate
9 level, to work together to try to solve common problems
10 with the fishing industry. Both not being clean up type
11 efforts, however interfacing, trying to interface with
12 Exxon, on the implementation of a fishery in the impacted
13 area. One of the things that we've found from an
14 organizational stand point, as I mentioned earlier, is
15 that we are very unequipped to deal with this issue. we
16 didn't have an executive director, we didn't have funding
17 available for the type of project. We have fisherman
18 that are spread out fishing all over the State for
19 herring and salmon, when salmon season started. We
20 didn't have money, personnel, time, the same type of
21 thing that everybody else needs more of. It's kind of an
22 effort. So, for our involvement, or involvement for
23 organizations like ours, those are needs that I'm sure
23 that we will make better plans for to match in with. Or
25 that those needs need to be met from an external source,

1 for our involvement to be at the level it needs to be.
2 Some of the things that we see as needs comes back to the
3 same thing. The first thing is prevention. We talk
4 about cost of prevention, and it seems to me that the
5 costs are going to be paid. We could have had a program
6 in place in the State, to prevent, or try to minimize, to
7 some levels, the impact of the spills that we'd just
8 experienced. It would have cost money. We're basically
9 paying the money now. I think the situation is
10 basically, are we going to, you know, would we have paid
11 earlier, or are we going to pay now? The prevention
12 situation is one that we feel is of the utmost
13 importance. The second thing is, I think we have to plan
14 for worst case scenario. If we don't make the plans for
15 a worst case scenario, or something in between. And we
16 have a major disaster. We definately don't have the
17 ability to handle it. I think that that's one of the
18 real strong lessons that we've seen from this. Secondly,
19 in looking at the spill from Prince Williams Sound. I
20 think a lot of us have been very very surprised as to the
21 size of the impact area. When we look at the need for
22 safeguards, or for prevention and for planning for a
23 worst case scenario. We believe that Cook Inlet has to
23 be included at the highest level of that scenario.
25 Granted, we don't have the volume of oil, it's our be-

1 lief, and experience that the conditions that exist
2 within Cook Inlet , as far as navigation, is much more
3 hazardous than it is in the Sound. The weather patterns
4 in the mouth of the Inlet, the title currents. So on and
5 so forth. We believe creates a greater risk for than
6 Prince William Sound does. We've all learned, it's not a
7 matter of well, we fish in lower Cook Inlet, or we fish
8 in Cook Inlet. And therefore, that's the reason it
9 should be the greatest risk. Or the highest risk, and
10 have the greatest protection. We've seen very clearly,
11 that what happens in other areas that we haven't been too
12 concerned about in the past, have a tremendous impact on
13 the situation very close to home. I think one of the
14 things that the plan need to conclude, is a plan for
15 total oil clean up. Those situations, obviously, if the
16 oil hits the beaches, has to include the beaches. It
17 needs to include the intertidal areas, and it needs to
18 include the subtidal areas. That seems like a real
19 ridiculous request, because, how are you going to clean
20 up subtidal areas? We are currently involved in
21 fisheries in Kachemak Bay, in the areas we're fishing,
22 there's not oil on the beaches. We're getting oil on the
23 nets, basically on our lead lines. I think it
23 demonstrates very clearly in our mind, that there's oil
25 there. Also, it is very obvious, that it is virtually

1 impossible to clean up. Which basically, brings us back
2 to the first point of prevention. and the second point
3 of being able to mobilize extremely rapidly, to try to
4 keep the oil from the beaches. I don't think, in my own
5 mind, I don't think I'm being nieve in thinking that
6 we're going to get it all before we hit the beaches. But
7 once it does, and the ensuing situation happens of it
8 going on the beaches, coming off the beaches, and then
9 trying to have fisheries under those types of situations
10 is much more long term. And if we have a very rapid
11 response. One of the things that we see that needs to be
12 addressed. I'm not sure that this is the
13 Commission..where this needs to be done at. However, is
14 plans on how to conduct fisheries. Plans tha deal with
15 things such as impact on the gear. Protection of the
16 resource. When I say protection of the resource, I think
17 of things as what happens in oil impacted areas where
18 it's not possible to harvest the resource due to
19 contamination, yet the product is going to go into
20 spawning systems where over escatement is likely to
21 occur. And then they give impacts of over escatement.
22 The State needs to have policies or programs to deal with
23 those types of issues. One of the issues that they're
23 real concerned to the fishing industry in our area, as
25 well at the State of Alaska. What is the impact on the

1 market? Should the State get into mechanisms to protect
2 the market as best we can for Alaska's salmon, or any
3 other Alaskan product that may be contaminated, and may
4 be percieved on the market places contaminated. Probably
5 the biggest thing that's on the front of every
6 fisherman's mind is trying to develop a system that
7 allows the fishing industry to make business decisions.
8 At the current time, it's impossible, virtually
9 impossible to make intelligent business decisions. You
10 look at the situation, you say well, should I spend more
11 money? Should I capatilize part of it because of the
12 amount of fish that are available for harvest may be
13 less. Therefore you have to make an effort to harvest a
14 greater share, and capatilize yourselves right out of the
15 industry? Or do you sit back and say, geez, I'm really
16 going to pinch every penny this year, being that we've
17 got a disaster, and find out that that was the exact move
18 that you shouldn't have made. Those are the types of
19 things that I think are really in the forefront of
20 individual fisherman's minds, as they're trying to enter
21 in to a season on this type of basis. One of the things
22 that is very important within the industry is a mechanism
23 for short term damages. Financial, the economic system
23 established to pay encoured expenses. Depending on when
25 the spill happens, and trying to make business decisions,

1 you have expenses, and yet the time frame of the
2 situation may be such that you have no cash flow to meet
3 your obligations to the marine suppliers, and fuel
4 suppliers that live in the same community that we do.
5 Another thing that would be helpful in the plan is some
6 concept of restoration of habitat, where habitat has been
7 impacted. We've got situations in lower Cook Inlet on
8 the outer Coast, where there's been substantial amounts
9 of impact. And basically, no hatchery to hang our hat
10 on, in terms of trying to pursue something to minimize
11 the long term impact of the damages of the spill. I
12 guess one of the things we see, is an immediate need, or
13 a need that needs to take place for as long as this
14 commission is in place. Is plans for, not only the Cook
15 Inlet Seiner's Association, but other fishing
16 organizations to interface with this commission. In
17 areas that we have expertise. The reason that I say in
18 areas that we have expertise, is that it is very very
19 difficult for us as a Seiner's Association to make
20 recommendations as to prevention of spills. We're not
21 experts on tanker design, manning of tankers, routing in
22 most cases from tanker safety standards, and those types
23 of things. We do see a lot of things that the industry
23 does have areas of expertise in them. We would be more
25 than happy to sit down in discussions of those areas, and

1 other fisherman's group and interested parties. and try
2 to come up with the solutions to make this whole
3 situation as good as it can be under the given
4 circumstances. Thank you again for your concern and your
5 time.

6 MR. PARKER: Okay, thank you Dan. In Cordova,
7 they're using the Marine Advisory Program for that kind
8 of interface there. Developing it, and kind of using it
9 as a means of funneling out information on the tankers,
10 and what to do about it throughout the fishing community
11 there. So I'll just pass that along as...and we'll
12 certainly take that into consideration. That means of
13 interfacing, so that, well, hopefully the commission will
14 be able to distribute a good deal of information and
15 leave something in place to continue that. It may be the
16 Marine Advisory Program. Other Commissioners?

17 MR. SUND: I just want to make a comment on this
18 expertise issue that Mayor Calhoun brought up this
19 morning. You know, I'm going to steal a line from Ed's
20 book. This issue is too important to be left to the
21 experts. I've been asked to figure out how to prevent
22 these things. I'm not an expert. I run a fish company.
23 I think you guys are being a little humble on your
23 ability to participate here in some of these issues.
25 You're saying plan for the worst case scenario. You just

1 had it. The worst thing happened, and they couldn't
2 handle it. That was the best thing that could happen,
3 and they couldn't handle it. Twenty percent of a million
4 barrel tanker that spilled. One out of five barrels got
5 out. and only twenty percent is ever going to be picked
6 up. You had the best circumstances available. And ten
7 million gallons of oil hit the beaches. So, if you can't
8 handle that, you can't handle anything worse. It's
9 exposure risk is what you're talking about. And I think
10 every one in this room, in this State, has a right to
11 decide what level exposure of risk that they want to be
12 exposed to. That's a two hundred thousand barrel tanker
13 that...no it's a million barrel tanker right?

14 MR. PARKER: Yeah, a million barrels, two hundred
15 thousand tons.

16 MR. SUND: Two hundred thousand ton. There are five
17 hundred thousand ton, and million ton tankers in the
18 world. Do you want them going in and out of Prince
19 Williams Sound? You know, I think we have a right to
20 decide those things. I think people here have a right to
21 say something about it. Don't underestimate your own
22 ability.

23 MR. PARKER: Ed.

23 MR. WENK: Very briefly, Commissioner Sund, generous
25 enough to quote from this book of mine on trade-offs,

1 which has to do with the kind of decisions that we're
2 discussing here. This book was written a year and a half
3 ago, that essentially is a scenario for this accident.
4 I'd like to underscore his point about the experts for
5 this reason. The Commission, of course, in emphasising
6 prevention, is going to look at such things as double
7 bottoms, and so on. But we also are aware that
8 prevention has to deal with the human element. That what
9 went wrong here, not just in terms of the person on the
10 bridge, and the wrong decision, which is the human
11 decision, but the subsequent actions were in the category
12 of institutional malfunctioning. And, I believe some of
13 us feel that is not beyond the perview of people like
14 yourself, and others who have personally witnessed what
15 went wrong. And may have some ideas on how to make it
16 right.

17 MR. CALHOUN: I think in response to the concept in
18 that we're not interested in dealing with those issues.
19 That's not really the case. We are. We're definately
20 not in a position at this point and time, to comment on a
21 lot of the types of things that are going to be
22 considered in terms of prevention. I think that it's
23 impossible for us to do the research, as to the impact,
23 for example, or the potential savings of a double hulled
25 tanker. You can rest assured that we'll be assemilating

1 as much of that as we can as it's being developed. And
2 trying to make recommendations as to, you know, does the
3 expenditure justify the decrease in the risk? Or does
4 the decrease in the risk, or does the decrease in the
5 risk justify the expenditure. And we'll be looking at
6 those things, and dealing with the contingency plans and
7 so on. You can rest assured that this industry is much
8 too important to be involved with. To just wash our
9 hands, and say that we're not interested, and we're not
10 going to be dealing with it. But we definately at this
11 point and time do not have the ability to do that.

12 MR. PARKER: One other thing. Along that same line,
13 back in the early seventies, when the Law of the sea
14 convention was well under way towards convening as it did
15 in 1974, the...we published Alaska Sea and Coast as a
16 means and distributed that throughout the fishing
17 community. We, being the University of Alaska at that
18 time to bring the fishing community along, and it was
19 very helpful. By the time we had that out a couple of
20 years, we had a lot of very knowledgeable people in the
21 fishing community, because, that of course, led them into
22 other lines of inquiry and so forth.

23 MR. SUND: Mr. Chairman, I just...maybe I could make
23 a little clearer here in terms of expertise. You
25 basically in your testimony, laid down some criteria.

1 Your criteria was, design a system to provide for total
2 oil clean up. Of the ocean, the beach, the intertidal,
3 and the subtidal area. so, basically I don't want any
4 oil in that area, and if it does get in that area, I want
5 a system to clean it up. That's a very clear cut goal.
6 Give that to the experts and tell them to design you a
7 system that does that.

8 MR. CALHOUN: I think one of the reasons why that
9 statement is there is that if the person is going to,
10 that has the potential to spill, realizes that's a
11 criteria, then I think that they can find that it's ill
12 affordable to have anything but an immediate response to
13 an accident. There's a tremendous amount of pressure I
14 believe, that's put on by the expectation to clean up
15 everything. The concept of September 15, and it's done
16 until the winter. I've spent winters fishing out here.
17 The situation is going to look much much different in the
18 spring, than it does at September, 15. The concept of
19 going and finding oil to clean up, is going to be pretty
20 much out of sight. That's kind of the root of the
21 problem, and yet I have a feeling that I'm going to be
22 seeing it for several years as I try to fish in areas,
23 and maintain an uncontaminated product.

23 MS. WUNNICKE: Mr. Chairman, I thought I may have
25 misheard something and despite being surrounded by fish-

1 ermen here, I thought ADF&G did have a policy with
2 respect to over escapement.

3 MR. CALHOUN: Did not?

4 MS. WUNNICKE: Did have, do they not?

5 MR. CALHOUN: I know they are making an effort to
6 develop one. I believe they came to a conclusion that at
7 this point and time, they could not. That was the
8 impression that I had from the discussions that I've had.

9 MS. WUNNICKE: The other point again, this is
10 something that I had understood, and that was that in
11 protecting markets, as a result of this occurrence. They
12 did impose the zero tolerance level. So there has been
13 some intervention at least by someone with the State, in
14 terms of protecting markets. Is that what you were
15 addressing, or were you addressing something else in
16 terms of that need for the State to protect the markets?

17 MR. CALHOUN: I think the zero tolerance issue, I
18 know, is well supported by the Seiner's Association.
19 I...in terms of the application of the policy, we were
20 under the impression as an Association that three
21 incidences of oil a year would trigger a closure. That
22 is not the case. Apparently it's not the case, because
23 it appears that there's been at least that many cases of
23 oiled gear in the lower Cook Inlet. Not very large
25 amounts of oil. The policies for the safety net to keep

1 someone in charge. I know that agencies are very jealous
2 of their programs and regulations, and don't like other
3 agencies to override them, but it just seems to the best
4 interests of everyone in the State of Alaska included, to
5 have one person from one agency who coordinates all of
6 the activities of the agencies so that people know where
7 the buck stops. We lost our executive director, Lauren
8 Flagg, who came down and headed up the response team
9 here. I know that it was just crazy here, because people
10 wanted answers, and weren't getting answers, and no one
11 seems to provide those answers. The other problem that
12 we've had, and is the same thing that you see us going
13 through, is we've had fishermen that have had gear that's
14 been fouled by oil. When we've been open, we've lost
15 fishing time, and we want to know how we're going to be
16 compensated for those kinds of things. It would be nice
17 to have someone from the State who could help coordinate
18 or expedite the claims situation. At least to give us
19 some focus, because although the enchant of our
20 association is to assist our fishermen, it is almost an
21 impossible task right now. I go home because I don't
22 have a phone there. So I can get some work done. And I
23 have a non-stop stream of fishermen coming to my door.
23 And you can't seem to really get anything accomplished,
25 so it would be nice to have some assistance from the

1 State to help expedite what is necessary and so forth. I
2 know that Sonya is going to hit on a point here, and I
3 had it down on one of my points, and I think it's worth
4 repeating. So I'll say it first, so she can repeat it.
5 I was reading a study last night, and was concerned about
6 the standard of clean up. And what's good enough, and
7 watching the news, and Commissioner Kelso was concerned
8 that Exxon wanted to pull out by a certain period of
9 time, and say that's good enough. I think it would be in
10 our best interests if the State of Alaska would set the
11 standard of what's clean, and not the parties responsible
12 for cleaning it up. Because we know better than Exxon,
13 or ARCO, or anyone else what the standard of cleanliness
14 ought to be for our waters, and our beaches. And I think
15 it would be in our best interests to set that standard
16 and then to insure that those responsible for the clean
17 up meet those standards, so we can go on with some normal
18 life in the State of Alaska. And I could go on and on,
19 but there are other people here who are going to hit
20 areas that I'm concerned about for tanker traffic, and
21 continuency plan specifications. So I would just like to
22 answer questions if you have them.

23 MR. PARKER: Okay, thank you, Cheryl. Meg?

23 MS. HAYES: Have you seen the Cordova information
25 sheet? The sheet that Cordova has been putting out to

1 disseminate information to local residents.?

2 MS. SUTTON: We've had a real problem with
3 information flow.

4 MS. HAYES: What I'm wondering is, whether a sheet
5 like that, but on a state wide basis would have helped on
6 this situation, in terms of getting information out to
7 people?

8 MS. SUTTON: The basis problem you're dealing with,
9 is that information changes every five minutes. We were
10 producing things to mail out to fishermen in general.
11 But by the time I could write it, type it, and print it,
12 it was out of date. That's how rapidly the situation
13 changes. I don't know if there's a simple solution to
14 that. We want to keep people informed because when
15 people don't know what's going on, they have a tendency
16 to get real unset. I don't know, that might help, but I
17 don't know.

18 MS. HAYES: My second question is about the State
19 definition of what is clean. I can see why every agency
20 would back away, and not want to be the one to pop its
21 head and say we've decided what clean is. In your
22 personal feeling about it, would you be ready to accept
23 the concept that clean was something less than what it
23 was before the spill?

25 MS. SUTTON: No I'm not. I say that because I'm

1 someone who earns her livelihood from the waters of the
2 State of Alaska. When I look at my future, it doesn't
3 look too bright. When I look at it just from a market
4 stand point, it doesn't look too bright. So, no, I'm
5 not willing to accept that.

6 MS. HAYES: Okay thank you.

7 MR. PARKER: Ed.

8 MR. WENK: Thanks very much Mr. Chairman. A couple
9 of quick points, and then a question or two. Several of
10 you have made a strong case before going on with your
11 testimony, that brings in to account always an old
12 saying, that an ounce of prevention...the only trouble is
13 the ratio there is about 1 to 16. I'm not sure when we
14 price this out, whether 1 to 16 is really going to work.
15 But, please be assured that the Commission is mindful of
16 your points, and others have emphasized the same thing.
17 You may have heard Commissioner Sund recount earlier
18 today the testimony we had in Anchorage, that even under
19 the very best of conditions, only twenty percent recovery
20 of spilled oil is likely. That says something about the
21 need for prevention. Now with regard to question. I
22 think asked that the State defined what is clean, and we
23 realize even that in every day usage that word is
23 somewhat ambiguous. But nevertheless, I'm emphasizing
25 your point about State defined. Other Commissioners

1 might correct me on this. I had the impression that ADEC
2 was serving as a consultant of the Coast Guard. Which in
3 turn, had the action authority to certify to the
4 contractor, what is at least acceptable. Forget the word
5 clean, in order to move on. Am I right that this is what
6 we had heard?

7 MR. PARKER: I think you're correct, yeah. I think
8 we can get more of that from the MAC group members when
9 we get back to them.

10 MR. WENK: Okay, I was just hoping that the
11 Commission was not put off balance by having two
12 conflicting information on this very point.

13 MS. SUTTON: I think you're correct in that, and
14 part of the problem in that, is that there's real
15 confusion. Some sympathies in that would go toward Exxon
16 in tha regard that they might be getting mixed signals.

17 MR. WENK: Okay, fair enough. As long as the line
18 of authority is clear, but the mixed signals can still
19 happen. Just one other question, and it has to do with
20 your plea for prompt and authoritative information. Did
21 you sense anywhere along the line here that some agency
22 represented in Homer was aware of the need for public
23 information. And felt that it was within their range of
23 responsibilities.

25 MS. SUTTON: I really can't answer that because I

1 wasn't in Homer that frequently, and I was trying to
2 handle other problems up north. While Lauren, our
3 executive director was down here, there'd be other people
4 that could probably answer that for you.

5 MR. WENK: We heard earlier today why MAC had other
6 decision making responsibilities, and really couldn't be
7 counted upon to be the information source. This was not
8 denying the public access, but simply saying they're not
9 going to be the broadcast unit. But my question was,
10 whether anybody else who within their range of authority,
11 and I'm even thinking in terms of representatives of the
12 Governor's office. Mr. Laresche might have had some
13 responsibility here. There were people here from the
14 governor's office, and the time that I was here, I
15 wouldn't say that they were the information source. The
16 Governor was here earlier on, and had a public meeting,
17 and made some expression toward setting up some kind of a
18 committee, or group that could both be an information
19 source and help expedite claims for fishermen. To my
20 knowledge, that has never come about.

21 MR. PARKER: Okay, thank you.

22 MR. SUND: I just want to put out a general comment
23 here. Because everybody, both you and Dave said well,
23 we've got to prevent this. And then you went on to your
25 next testimony. Prevention is a matter of trade offs, as

1 we found out. It has been coming down a little different
2 than the Kenai Burrough. Different people having
3 different interests. Prevention in this case in being
4 safety is gonna cause increased cost possibly. More than
5 likely, if you try to do something safer, or different
6 than it's being done now, increased cost are going to
7 affect margins on the bottom line, or profitability, as
8 we call it. And Mayor Gillman testified yesterday in
9 Seward that he wanted to be very careful, on say, take
10 into ...if you applied these things of prevention that's
11 being concepted for Prince Williams Sound, to Cook Inlet
12 tanker traffic, it could make the marginal Cook Inlet oil
13 fields unprofitable, and therefore shut them down. And
14 at this time, he wasn't willing to do that. Mayor
15 Calhoun this morning, testified that if it was necessary,
16 so be it. and I've been in the legislature five years
17 listening to testimony from the Kenai peninsula. I
18 understand that every group here has its own opinion.
19 And is very articulate about voicing it. And I guess I'd
20 ask you from the fisherman point of view, what do you
21 think?

22 MS. SUTTON: Yeah, I would have to agree with the
23 Homer opinion on that one. If so be it, then let it
23 happen. I always have to go back to another issue that's
25 a little easier to understand. Take the Kenai River. If

1 we have unbridled development on the things of the Kenai
2 River, and we lose the very thing that attracts the
3 tourists. And King Salmon will be the first affected
4 because of where they tend to travel in the stream, and
5 where they tend to rear in the stream. If we lose that
6 because of unbridled development, is that development,
7 and is that progress? And I understand there have to be
8 tradeoffs, and I think you have to look at it for the
9 long term. And if that's the case, that's the way it's
10 going to have to be to protect the long term.

11 MR. SUND: Well, as Commissioner Wenk would say,
12 costs are only a matter of who pays.

13 MS. SUTTON: Yeah, as long as we don't pay, it's
14 allright.

15 MR. SUND: I was trying somehow to keep the Kenai
16 river dispute out of the Oil Commission. I just started
17 to spend some time thinking about how to prevent these
18 spills. And it gets into crewing and manning, and tanker
19 design, and traffic flow patterns. And then basically,
20 the concept whether you ought to be in the tanker
21 business at all. I don't have an easy answer. I guess
22 one of the questions I asked earlier, is that of all the
23 stake holders involved, the companies, the government,
23 and in this case, the people here who have to eat the
25 oil. It seems, from our analysis anyway, that the one

1 stakeholder that the people in the immediate area don't
2 have very much say in prevention. I was wondering if the
3 poeple, local people in the area have any concern about
4 that, or would like to be, or think they ought to be
5 involved in what the prevention, or safety matters are
6 with tankering oil.

7 MS. SUTTON: Yeah, I feel that people in Homer
8 definately feel that they should be involved. I think
9 that's actually pervasive through the Peninsula.
10 Everyone I know feels that they should have some
11 involvement, because we have to live the realities of it.
12 I think back to the expenses, when we talked. Yes it
13 will cost money to beep up a prevention program, but if
14 we can look at the dollars that exxon is going to have to
15 pay for this spill. They would have been better spent in
16 prevention than the way they're being spent now, because,
17 I agree with Dave, I don't want to have to stand in line
18 to collect a check from Exxon. I want to fish. You just
19 have to look at where we're going to spend our dollars.
20 I think the other thing we're going to have to face up to
21 is, let's be honest for once. We've been told a lot of
22 things by the oil industry in this State that are not so.
23 And I think as fishermen, we've gone the mile with them.
23 We really have. we've sat down with them, we really
25 have. We've sat down with them, but we need some hon-

1 esty. We should have been told. We were told that we
2 have everything we need to clean up the spill. I can't
3 tell you how many times I've been told that to my face.
4 And the reality was, they never had any means to clean up
5 a spill of that magnitude.

6 MR. SUND: Not only that, the means does not exist
7 in the world today. So that's a fact. I'd like to leave
8 with one comment here. I know I promised the Chairman
9 not to ask any questions this afternoon, but...if you and
10 your group would think about the problem that we have to
11 face, and I asked the Mayor Calhoun this morning to think
12 about it. We have to deal with the reality that this
13 could have been a bankrupt third party that caused this
14 spill. And where would we be now, and how would we deal
15 with it, and we need to come up with a plan on how to
16 handle this type of a spill, without having to de-pocket
17 Exxon. And its not really time for the table to thrash
18 it around, but if you and your group would think about
19 it, we'd appreciate it.

20 MS. SUTTON: We have thought about it, and I intend
21 to submit some written testimony to you. We've actually
22 lived that with Glacier Bay, to a certain degree, and
23 have thought about it a lot.

23 MR. SUND: Thank you.

25 MS. SUTTON: Thank you.

1 MR. PARKER: Okay, thank you Cheryl. On the
2 information systems, I think that Cordova got their fax
3 sheet financed through the Exxon reembersables. And the
4 advantage you have on the fax sheet, you can give it to
5 the radio stations too. So, once you have the fax down,
6 you can distribute them. You do have to find some means
7 of paying for it, and that's what they did.

8 MS. WUNNICKE: In that connection too, I think one
9 element of the incident command system too, is one of
10 regular official information system. Is that correct?
11 Yeah.

12 MR. PARKER: Cook Inlet Seiner's Association, Dan
13 Calhoun.

14 MR. CALHOUN: Mr. Chairman, Commissioners, my name
15 is Dan Calhoun. I'm a representative, and on the Board
16 of Directors. I thank you for your time and effort, and
17 concerning this issue, and for coming to Homer to hold
18 this meeting. The Cook Inlet Seiners Association is a
19 fairly new organization. It's only a couple of years
20 old. When the oil spill happened, we were ill prepared
21 to, basically, deal with this type of issue. Our past
22 involvement in this issue is initially to provide input
23 to the decision making process, as to areas to protect
23 with criticle habitat areas, and resource areas to
25 protect with boom. We worked in the area of availability

1 of vessels. Being that we have vessels in this area that
2 are maybe used for clean up, and protection of area.
3 We've had discussions of State Agencies concerning
4 fisheries management strategies, and oil impacted areas,
5 particularly in the lower Inlet. We've been involved in
6 the discussions and development of a claims mechanism
7 with Exxon, for the fishing industry. We've had efforts,
8 basically, to gain access to Exxon at the appropriate
9 level, to work together to try to solve common problems
10 with the fishing industry. Both not being clean up type
11 efforts, however interfacing, trying to interface with
12 Exxon, on the implementation of a fishery in the impacted
13 area. One of the things that we've found from an
14 organizational stand point, as I mentioned earlier, is
15 that we are very unequipped to deal with this issue. we
16 didn't have an executive director, we didn't have funding
17 available for the type of project. We have fisherman
18 that are spread out fishing all over the State for
19 herring and salmon, when salmon season started. We
20 didn't have money, personnel, time, the same type of
21 thing that everybody else needs more of. It's kind of an
22 effort. So, for our involvement, or involvement for
23 organizations like ours, those are needs that I'm sure
23 that we will make better plans for to match in with. Or
25 that those needs need to be met from an external source,

1 for our involvement to be at the level it needs to be.
2 Some of the things that we see as needs comes back to the
3 same thing. The first thing is prevention. We talk
4 about cost of prevention, and it seems to me that the
5 costs are going to be paid. We could have had a program
6 in place in the State, to prevent, or try to minimize, to
7 some levels, the impact of the spills that we'd just
8 experienced. It would have cost money. We're basically
9 paying the money now. I think the situation is
10 basically, are we going to, you know, would we have paid
11 earlier, or are we going to pay now? The prevention
12 situation is one that we feel is of the utmost
13 importance. The second thing is, I think we have to plan
14 for worst case scenario. If we don't make the plans for
15 a worst case scenario, or something in between. And we
16 have a major disaster. We definately don't have the
17 ability to handle it. I think that that's one of the
18 real strong lessons that we've seen from this. Secondly,
19 in looking at the spill from Prince Williams Sound. I
20 think a lot of us have been very very surprised as to the
21 size of the impact area. When we look at the need for
22 safeguards, or for prevention and for planning for a
23 worst case scenario. We believe that Cook Inlet has to
23 be included at the highest level of that scenario.
25 Granted, we don't have the volume of oil, it's our be-

1 lief, and experience that the conditions that exist
2 within Cook Inlet , as far as navigation, is much more
3 hazardous than it is in the Sound. The weather patterns
4 in the mouth of the Inlet, the tide currents. So on and
5 so forth. We believe creates a greater risk for than
6 Prince William Sound does. We've all learned, it's not a
7 matter of well, we fish in lower Cook Inlet, or we fish
8 in Cook Inlet. And therefore, that's the reason it
9 should be the greatest risk. Or the highest risk, and
10 have the greatest protection. We've seen very clearly,
11 that what happens in other areas that we haven't been too
12 concerned about in the past, have a tremendous impact on
13 the situation very close to home. I think one of the
14 things that the plan need to conclude, is a plan for
15 total oil clean up. Those situations, obviously, if the
16 oil hits the beaches, has to include the beaches. It
17 needs to include the intertidal areas, and it needs to
18 include the subtidal areas. That seems like a real
19 ridiculous request, because, how are you going to clean
20 up subtidal areas? We are currently involved in
21 fisheries in Kachemak Bay, in the areas we're fishing,
22 there's not oil on the beaches. We're getting oil on the
23 nets, basically on our lead lines. I think it
23 demonstrates very clearly in our mind, that there's oil
25 there. Also, it is very obvious, that it is virtually

1 impossible to clean up. Which basically, brings us back
2 to the first point of prevention. and the second point
3 of being able to mobilize extremely rapidly, to try to
4 keep the oil from the beaches. I don't think, in my own
5 mind, I don't think I'm being nieve in thinking that
6 we're going to get it all before we hit the beaches. But
7 once it does, and the ensuing situation happens of it
8 going on the beaches, coming off the beaches, and then
9 trying to have fisheries under those types of situations
10 is much more long term. And if we have a very rapid
11 response. One of the things that we see that needs to be
12 addressed. I'm not sure that this is the
13 Commission..where this needs to be done at. However, is
14 plans on how to conduct fisheries. Plans tha deal with
15 things such as impact on the gear. Protection of the
16 resource. When I say protection of the resource, I think
17 of things as what happens in oil impacted areas where
18 it's not possible to harvest the resource due to
19 contamination, yet the product is going to go into
20 spawning systems where over escatement is likely to
21 occur. And then they give impacts of over escatement.
22 The State needs to have policies or programs to deal with
23 those types of issues. One of the issues that they're
23 real concerned to the fishing industry in our area, as
25 well at the State of Alaska. What is the impact on the

1 market? Should the State get into mechanisms to protect
2 the market as best we can for Alaska's salmon, or any
3 other Alaskan product that may be contaminated, and may
4 be percieved on the market places contaminated. Probably
5 the biggest thing that's on the front of every
6 fisherman's mind is trying to develop a system that
7 allows the fishing industry to make business decisions.
8 At the current time, it's impossible, virtually
9 impossible to make intelligent business decisions. You
10 look at the situation, you say well, should I spend more
11 money? Should I capatilize part of it because of the
12 amount of fish that are available for harvest may be
13 less. Therefore you have to make an effort to harvest a
14 greater share, and capatilize yourselves right out of the
15 industry? Or do you sit back and say, geez, I'm really
16 going to pinch every penny this year, being that we've
17 got a disaster, and find out that that was the exact move
18 that you shouldn't have made. Those are the types of
19 things that I think are really in the forefront of
20 individual fisherman's minds, as they're trying to enter
21 in to a season on this type of basis. One of the things
22 that is very important within the industry is a mechanism
23 for short term damages. Financial, the economic system
23 established to pay encoured expenses. Depending on when
25 the spill happens, and trying to make business decisions,

1 you have expenses, and yet the time frame of the
2 situation may be such that you have no cash flow to meet
3 your obligations to the marine suppliers, and fuel
4 suppliers that live in the same community that we do.
5 Another thing that would be helpful in the plan is some
6 concept of restoration of habitat, where habitat has been
7 impacted. We've got situations in lower Cook Inlet on
8 the outer Coast, where there's been substantial amounts
9 of impact. And basically, no hatchery to hang our hat
10 on, in terms of trying to pursue something to minimize
11 the long term impact of the damages of the spill. I
12 guess one of the things we see, is an immediate need, or
13 a need that needs to take place for as long as this
14 commission is in place. It plans for, not only the Cook
15 Inlet Seiner's Association, but other fishing
16 organizations to interface with this commission. In
17 areas that we have expertise. The reason that I say in
18 areas that we have expertise, is that it is very very
19 difficult for us as a Seiner's Association to make
20 recommendations as to prevention of spills. We're not
21 experts on tanker design, manning of tankers, routing in
22 most cases from tanker safety standards, and those types
23 of things. We do see a lot of things that the industry
23 does have areas of expertise in them. We would be more
25 than happy to sit down in discussions of those areas, and

1 other fisherman's group and interested parties. and try
2 to come up with the solutions to make this whole
3 situation as good as it can be under the given
4 circumstances. Thank you again for your concern and your
5 time.

6 MR. PARKER: Okay, thank you Dan. In Cordova,
7 they're using the Marine Advisory Program for that kind
8 of interface there. Developing it, and kind of using it
9 as a means of funneling out information on the tankers,
10 and what to do about it throughout the fishing community
11 there. So I'll just pass that along as...and we'll
12 certainly take that into consideration. That means of
13 interfacing, so that, well, hopefully the commission will
14 be able to distribute a good deal of information and
15 leave something in place to continue that. It may be the
16 Marine Advisory Program. Other Commissioners?

17 MR. SUND: I just want to make a comment on this
18 expertise issue that Mayor Calhoun brought up this
19 morning. You know, I'm going to steal a line from Ed's
20 book. This issue is too important to be left to the
21 experts. I've been asked to figure out how to prevent
22 these things. I'm not an expert. I run a fish company.
23 I think you guys are being a little humble on your
23 ability to participate here in some of these issues.
25 You're saying plan for the worst case scenario. You just

1 had it. The worst thing happened, and they couldn't
2 handle it. That was the best thing that could happen,
3 and they couldn't handle it. Twenty percent of a million
4 barrel tanker that spilled. One out of five barrels got
5 out. and only twenty percent is ever going to be picked
6 up. You had the best circumstances available. And ten
7 million gallons of oil hit the beaches. So, if you can't
8 handle that, you can't handle anything worse. It's
9 exposure risk is what you're talking about. And I think
10 every one in this room, in this State, has a right to
11 decide what level exposure of risk that they want to be
12 exposed to. That's a two hundred thousand barrel tanker
13 that...no it's a million barrel tanker right?

14 MR. PARKER: Yeah, a million barrels, two hundred
15 thousand tons.

16 MR. SUND: Two hundred thousand ton. There are five
17 hundred thousand ton, and million ton tankers in the
18 world. Do you want them going in and out of Prince
19 Williams Sound? You know, I think we have a right to
20 decide those things. I think people here have a right to
21 say something about it. Don't underestimate your own
22 ability.

23 MR. PARKER: Ed.

23 MR. WENK: Very briefly, Commissioner Sund, generous
25 enough to quote from this book of mine on trade-offs,

1 which has to do with the kind of decisions that we're
2 discussing here. This book was written a year and a half
3 ago, that essentially is a scenario for this accident.
4 I'd like to underscore his point about the experts for
5 this reason. The Commission, of course, in emphasising
6 prevention, is going to look at such things as double
7 bottoms, and so on. But we also are aware that
8 prevention has to deal with the human element. That what
9 went wrong here, not just in terms of the person on the
10 bridge, and the wrong decision, which is the human
11 decision, but the subsequent actions were in the category
12 of institutional malfunctioning. And, I believe some of
13 us feel that is not beyond the perview of people like
14 yourself, and others who have personally witnessed what
15 went wrong. And may have some ideas on how to make it
16 right.

17 MR. CALHOUN: I think in response to the concept in
18 that we're not interested in dealing with those issues.
19 That's not really the case. We are. We're definately
20 not in a position at this point and time, to comment on a
21 lot of the types of things that are going to be
22 considered in terms of prevention. I think that it's
23 impossible for us to do the research, as to the impact,
23 for example, or the potential savings of a double hulled
25 tanker. You can rest assured that we'll be assemilating

1 as much of that as we can as it's being developed. And
2 trying to make recommendations as to, you know, does the
3 expenditure justify the decrease in the risk? Or does
4 the decrease in the risk, or does the decrease in the
5 risk justify the expenditure. And we'll be looking at
6 those things, and dealing with the contingency plans and
7 so on. You can rest assured that this industry is much
8 too important to be involved with. To just wash our
9 hands, and say that we're not interested, and we're not
10 going to be dealing with it. But we definately at this
11 point and time do not have the ability to do that.

12 MR. PARKER: One other thing. Along that same line,
13 back in the early seventies, when the Law of the sea
14 convention was well under way towards convening as it did
15 in 1974, the...we published Alaska Sea and Coast as a
16 means and distributed that throughout the fishing
17 community. We, being the University of Alaska at that
18 time to bring the fishing community along, and it was
19 very helpful. By the time we had that out a couple of
20 years, we had a lot of very knowledgeable people in the
21 fishing community, because, that of course, led them into
22 other lines of inquiry and so forth.

23 MR. SUND: Mr. Chairman, I just...maybe I could make
23 a little clearer here in terms of expertise. You
25 basically in your testimony, laid down some criteria.

1 Your criteria was, design a system to provide for total
2 oil clean up. Of the ocean, the beach, the intertidal,
3 and the subtidal area. so, basically I don't want any
4 oil in that area, and if it does get in that area, I want
5 a system to clean it up. That's a very clear cut goal.
6 Give that to the experts and tell them to design you a
7 system that does that.

8 MR. CALHOUN: I think one of the reasons why that
9 statement is there is that if the person is going to,
10 that has the potential to spill, realizes that's a
11 criteria, then I think that they can find that it's ill
12 affordable to have anything but an immediate response to
13 an accident. There's a tremendous amount of pressure I
14 believe, that's put on by the expectation to clean up
15 everything. The concept of September 15, and it's done
16 until the winter. I've spent winters fishing out here.
17 The situation is going to look much much different in the
18 spring, than it does at September, 15. The concept of
19 going and finding oil to clean up, is going to be pretty
20 much out of sight. That's kind of the root of the
21 problem, and yet I have a feeling that I'm going to be
22 seeing it for several years as I try to fish in areas,
23 and maintain an uncontaminated product.

23 MS. WUNNICKE: Mr. Chairman, I thought I may have
25 misheard something and despite being surrounded by fish-

1 ermen here, I thought ADF&G did have a policy with
2 respect to over escapement.

3 MR. CALHOUN: Did not?

4 MS. WUNNICKE: Did have, do they not?

5 MR. CALHOUN: I know they are making an effort to
6 develop one. I believe they came to a conclusion that at
7 this point and time, they could not. That was the
8 impression that I had from the discussions that I've had.

9 MS. WUNNICKE: The other point again, this is
10 something that I had understood, and that was that in
11 protecting markets, as a result of this occurrence. They
12 did impose the zero tolerance level. So there has been
13 some intervention at least by someone with the State, in
14 terms of protecting markets. Is that what you were
15 addressing, or were you addressing something else in
16 terms of that need for the State to protect the markets?

17 MR. CALHOUN: I think the zero tolerance issue, I
18 know, is well supported by the Seiner's Association.
19 I...in terms of the application of the policy, we were
20 under the impression as an Association that three
21 incidences of oil a year would trigger a closure. That
22 is not the case. Apparently it's not the case, because
23 it appears that there's been at least that many cases of
23 oiled gear in the lower Cook Inlet. Not very large
25 amounts of oil. The policies for the safety net to keep