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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 contaminated product from the market place in the fishing  
2 that I've been involved in dealing with three or four  
3 thousand pounds of sockeye, delivering in brailer bags  
4 the program is they look at one fish out of the top of  
5 one brailer bag. That doesn't appear to be the type  
6 safety that I have in mind to protect the market. Not  
7 only the market in Cook Inlet, but the market for the  
8 industry and the State. I'm not comfortable with that  
9 level of a safety net.

10 MR. PARKER: Okay, thank you, Dan. North Pacific  
11 Fisheries Association Sonja Karaza.

12 MS. KARAHA: My name is Sonja Karaza, I'm on the  
13 board of directors of North Pacific Fisheries  
14 Association, and United Fishermen of Alaska. My husband  
15 and I are Prince William Sound Seiners. My husband is  
16 also currently involved in working with the oil spill  
17 clean up in the outer district. I would first like to  
18 say that I agree with Cheryl's assessment of fishermen  
19 being under a lot of stress, and having a lot of  
20 questions about the claims procedure. Anyone involved in  
21 a fishing organization now is getting a lot of phone  
22 calls from fishermen. I'm not so sure that the State can  
23 jump in and help in that role. Because it almost is an  
23 Exxon fisherman problem. You would have to have a State  
25 person undergo a thorough education problem, and a pro-

1 gram. And Exxon is the one making the decisions in this  
2 case. The State has helped. They have funded a position  
3 here in Homer, through the Limited Entry Commission. I  
4 correct that. Apparently Exxon is funding that position  
5 through the Limited Entry Commission. They are going to  
6 help fishermen get their records. As you were told, it  
7 would be records from the past two years. So there will  
8 be someone here to help with that. MPFA does support the  
9 on going rewriting of the contingency plan for Prince  
10 William Sound. I know they have been working on it for  
11 the past several weeks. There was a meeting on it  
12 yesterday, and the city officials here were involved in  
13 it. And the fisheries organizations have been commenting  
14 on it. I would assume that a similar plan would be  
15 appropriate for Cook Inlet. It is a very intense and  
16 thorough plan which will be paid for by Alyeska. So that  
17 Cook Inlet may vary, but I think we're back to the ounce  
18 of prevention. I can sympathise with the Burrough Mayors  
19 position about not wanting to have it cost so much that  
20 we can't have the oil and gas leases here, but look at  
21 what this has cost. The amount of money this spill has  
22 cost is almost beyond the normal person's imagination. I  
23 think it's even making Exxon blink their eyes. They've  
23 got a lot of money behind them, so I think it's better to  
25 pay for the prevention.

1           Number two point here, is that I believe that the  
2           spiller should be liable for the payment but the State  
3           needs to be responsible for the clean up. The State  
4           needs to set the standard that would address the genuine  
5           needs for how clean the water and the beach needs to be.  
6           Unfortunately, when you are dealing with Exxon being in  
7           charge, number one, you're dealing with people that have  
8           never been here. They don't understand the fishing  
9           industry, they don't understand the States needs, and  
10          from our experience on the outer coast. We understand  
11          that they don't know what our resources are. They don't  
12          understand fishing boats. To tell you the truth, they  
13          don't understand Alaskans. There are many fine  
14          individuals within the Exxon corporation that we have  
15          personally worked with. Many of those individuals have  
16          been making a sincere effort to learn how to cope with  
17          the problem out there. To try to learn about the fishing  
18          boats, and to try to get the oil off the beaches. There  
19          are other individuals within the same corporation that  
20          simply think...simply following...simply do...I don't know  
21          how to put it. Do what looks good, and wait until  
22          Spetember 15. That's our feeling. The Exxon policy as a  
23          cooporation is unclear to us. And I believe that the  
23          State should make sure that they are responsible the next  
25          time for setting those standards. We do have a question

1 about the Coast Guard. We thought that because the Coast  
2 Guard could certif...is in charge of certifying the beach  
3 that they would be in charge of saying what you had to do  
4 to clean up that beach. But when we went to them with  
5 some problems, they said no. In fact, they are not in  
6 charge of Exxon. They can't tell Exxon what to do. But  
7 they are in charge of coordinating the clean up. So, it  
8 almost seems that they have to certify what Exxon says is  
9 the best they can do. And if we don't agree that that is  
10 the best they can do, you're kind of in no man's land.  
11 That's at least from our perspective. I'm not saying  
12 that's a correct one, but that's where we see it. For  
13 one example, in the Homer news this week. There was an  
14 article about three local fishermen who've made a gravel  
15 cleaning machine. They made it at...with...they are  
16 working for Exxon. They made it with Exxon's blessings.  
17 Exxon funded the project. Fishermen finished it, and  
18 they tested it. It did go to Exxon lab. It came back  
19 that the machine cleans totally destroyed oily gravel.  
20 Over ninety percent clean. They said they are going to  
21 give word Monday whether or not they are going to use it.  
22 Or trying to build more of these machines. But some of  
23 the fishermen in this area are saying, maybe we can get  
23 these beaches clean. Another local fisherman has made a  
25 smaller one of these that can be taken around to Port...

1 to beaches where you might not get the bigger machine on  
2 the beaches. So I think the fishermen themselves are  
3 coming up with ideas. And I think that should be  
4 encouraged. But if we don't have the right to use them  
5 on the beaches. If Exxon has the final say there, and if  
6 they don't want to find maybe a ninety percent standard  
7 clean. Then we're not going to get our beaches clean.  
8 My third point is that we need one boss for our oil  
9 spill clean up. We've had five bosses. It has been  
10 frustrating to all involved. To Exxon as well. I've  
11 watched them go through some difficult times. Not having  
12 clear directives also. I have an example from this, from  
13 the outside beach. Nobody...there was never a point when  
14 everybody said this is an acceptable way to clean the  
15 beach. It has been a big question mark. When the clean  
16 up crews were first on the outside beach, they were  
17 shoveling oil a foot and a half thick. Shoveling!  
18 Putting it in plastic bags. Plastic bags after plastic  
19 bags. A crew of twelve men got twelve hundred bags a  
20 day. Pure crude oil. Not a bit of sand or gravel in it.  
21 The problem was they told them they could use no  
22 mechanical means to move that oil off the beach.  
23 Included in that meant a wheelbarrel. A wheelbarrel was  
23 a mechanical means. So, they're dragging these bags full  
25 of crude oil weighing 70 pounds a piece from the low

1 water mark up to the top of the beach. So when the tide  
2 came in, the helicopters could pick it up, one of the  
3 agencies. I cannot tell you if it was DNR, DEC, or Fish  
4 and Wildlife. But when the workers working saw the guys  
5 carrying the oil off of the beach, and said, "There's  
6 footprints here. There's footprints on the beach and  
7 we're not supposed to be making any marks on this beach."  
8 And this crew of fisherman looked at this individual and  
9 said, "Number one, we don't believe you said this.  
10 Number two the tide is going to come in, and there won't  
11 be any more foot marks. They're going to be gone." We  
12 progressed to that point to where wheelbarrels are  
13 acceptable. To where perhaps machinery is going to be  
14 acceptable so that you can make a dent in the clean up.  
15 But I only gave you that example to show you what I meant  
16 is that you need one boss with a clear understanding of  
17 what needs to be done. One goal...the goal is...have to  
18 say the goal...the goal is that we want all our beaches  
19 to meet this particular standard. You know it's pretty  
20 plain and simple were fishermen, and we like to see  
21 results. We can't fish without results. The fourth  
22 point is the no third party tankers in the future. Just  
23 as representative Sund said.....

23 MR. SUND: Former.

25 MS. KARAHA: Former. If this had been a third party



1 tanker, we'd be in a lot worse trouble than we are. And  
2 even though we're often in disagreement with Exxon  
3 policy, and we've had a tremendous amount of problems  
4 trying to educate them. Nonetheless, they are here and  
5 there making the effort. Sometimes it's successful,  
6 sometimes not. But I do believe that they of Alaska  
7 should say that no third party could go bankrupt.

8 MR. PARKER: Are there any charter tankers out of  
9 Drift River these days that you know of?

10 MS. KARAZA: Pardon.

11 MR. PARKER: Are there any charter tankers out of  
12 Drift River these days that you know of?

13 MS. KARAZA: I'm not sure. I believe thats the end  
14 of my comments, and I apologize for not being able to  
15 hear you. I've had a head cold. That ringing ear, and  
16 it's kind of bouncing the sound out of this room.

17 MR. PARKER: Thank you Sonja. Commissioners?

18 MR. SUND: I'm just going to make a comment that  
19 Dave Horn brought up. This zero tolerance thing. It's  
20 just beginning to dawn on me. That if we have a zero  
21 tolerance of oil on fish, that we should have a zero  
22 tolerance of oil in water. It can go the other way  
23 around on that too. Why should the consumers of the  
23 product out of the water have to bear the cost of someone  
25 fouling the common property?

1 MR. PARKER: I think first, you'll have to look at  
2 the twenty five year record of oil spill in Cook Inlet,  
3 and there are people who have done that throughout their  
4 careers. Get an idea of what the magnitude of the  
5 problem has been in the past.

6 MS. KARAZA: I did have one last comment and that is  
7 our standard we felt as fishermen could be that clean is,  
8 if the fisherman can fish. If the wildlife can live on  
9 the beaches, and people can walk, and sit down on the  
10 beaches and not come up covered with oil. Which you  
11 cannot do now on our own beaches.

12 MR. PARKER: Okay, thanks Sonja. Katchemak Bay  
13 Subsistence Group.

14 MR. SMITH: I'm Larry Smith, and I represent that  
15 group which has only had to be in business twelve years  
16 since subsistence had to be regulated. We had to have  
17 our own group. I want to thank you folks for taking on  
18 this task. If you do the job the way I would like to see  
19 it done, I'm sure you're going to hurt a lot of feelings  
20 in this State. There's a lot of error to be revealed in  
21 corporations, contractors, state and federal agencies,  
22 institutions, our fishing organizations, enviornmental  
23 organizations. Everybody that's responsible for not  
23 having done a little bit more to control the way we allow  
25 oil to be transported in our waters. Our group works a

1 lot on habitat matters. I work on it pretty much full  
2 time myself as part of that group, and as director of the  
3 Katchemak Resource Institute. Consequently, I've been  
4 working on the spill full time since it happened. We've  
5 been involved in various sorts of coalitions. There's  
6 one right around here called the South Peninsula Recovery  
7 Coalition. Which is made up of people who have been  
8 particularly active in force trying to attack the oil  
9 before it got into our waters. Before it slopped out of  
10 the Sound. While it was in the water, before it hit the  
11 beaches, and then to clean these beaches. We're also  
12 part of an organization who's name we're proposing to  
13 change. We had a steering community meeting last night,  
14 and decided that the Alaska Spill Coalition was too close  
15 to the name of your organization, so we're not going to  
16 be that anymore. I hope the commissioners have a copy of  
17 the letter I wrote for the coalition to you on June  
18 23rd.....

19 MR. PARKER: Yeah we do.

20 MR. SMITH: .....about some of the things we'd like  
21 to be able to offer besides our good wishes to the  
22 commission that participants of the conference that  
23 organized this group. In Cordova intend to reach out to  
23 every enviornmental group, every commercial fishing  
25 group, every sportsman's group, every native group, and

1 every tourist oriented group in the State that has an  
2 interest and will find itself in agreement with the  
3 missions statement which should be before you before very  
4 long. In any case that the object is to work hard in the  
5 time allowed, and to support the work of the commission.  
6 And I think that work is really going to have to go on a  
7 lot further than the first or second month of next year.  
8 That's a good target for an interim of court. And you  
9 might need to fill in a few souls to take the place of  
10 people who fall along the way. It's actually a project  
11 that has to be, as I see it, as long as we're of  
12 quantifying effects from this oil spill. And we're very  
13 anxious that if you have enough time to take up all the  
14 issues that are important to Alaskan's who have enough  
15 money. The problem is you don't have enough money right  
16 now to collect and to edit the information from the  
17 communities. We're prepared to go out and deal with the  
18 legislature and the Governor's Office to secure more  
19 funds so you can set up offices in the communities, the  
20 regional centers that are affected by this spill, or any  
21 other place in the State that is going to have a concern  
22 about this which is at least all the coastal communities.  
23 Because I think you need staff. You need a staff first  
23 in these communities that can interview local folks on  
25 the tremendous range of affects of this spill from the

1 inability to be able to get folks to help you with the  
2 kinds of chores that the local businesses had to do that  
3 they ordinarily hire people for \$8 - \$10 an hour. Folks  
4 aren't available. People which aren't used to bartering  
5 for lumber can't find lumber around here because all the  
6 soyers are working at much more profitable interprises  
7 connected with the oil spill. You know those ranges of  
8 concerns. But I think a lot of people have things to  
9 contribute that you can't physically yourselves hear.  
10 And it's asking a lot for you to sit around eight hours a  
11 day and try to assemilate information in an intelligent  
12 fashion. You need more staff. The money for that should  
13 be available if we all pull together to go for it. I  
14 think a great deal of the testimony you take,  
15 particularly from agency people, from people in the  
16 industry, unless they're going to ascert their fifth  
17 ammendment privilage which they might. Our agency people  
18 from the State and Federal Government cannot be expected  
19 to actually shoot a hole in their carreer by critizing  
20 superiors who have not performed well during this oil  
21 spill. It's my personal view that the Department of  
22 Natural Resources has disgraced itself. Just stunned,  
23 that as good as he is, that Roger McCampbell was the  
23 representative for the Department of Natural Resources  
25 for this zone. And he did a tremendous job, but where

1 was the agency? Where even was his division head who  
2 didn't make an appearance here during the time we were  
3 grappling with ways to counter the affects of the spill.  
4 And their other agencies, where was DNR when they were  
5 asked to provide personnel? To flesh out the forces of  
6 the Department of environmental Conservation and Fish and  
7 Game. There were many people in the mid levels of DNR  
8 that pleaded to be allowed to participate. There were  
9 people that took annual leave to go help our their sister  
10 agencies with their oil spill. DNR is the agency with  
11 the muscle. And they chose to interpret their  
12 authorities so restrictively that DNR did not help DEC  
13 and Fish and Game at a time when they were most needed.  
14 That's going to be a hard thing in a relationship between  
15 agencies. The explanation for that, by the way, is from  
16 the Commissioner's Office was that it was a cabinet level  
17 decision, that DNR restricted itself to just those  
18 things having to do with those specific things like park  
19 lands. It was the Governor's Offices response that if  
20 they would have had more time in the emergency facing the  
21 oil spill to force the DNR to respond differently they  
22 would've done it. But they didn't want to fall into  
23 quarreling amongst ourselves. I hate to lead us into  
23 that, but we need the truth laid on the table in all  
25 respects. And to make these institutions work better

1 there should be a primary objective. I know some of you  
2 people worked on creating some of these things. Why were  
3 our aspirations at stated? We tried to create an  
4 extremely powerful executive. For what? For one thing  
5 to respond to these kinds of crisis. What would, after  
6 all the Governors were used to...what would they have  
7 done? What would Governor Egan have done? Because there  
8 was a problem with Federal Law. would Governor Egan not  
9 have stood in the schoolhouse door and defied the Federal  
10 Government if necessary? To stop the pollution of  
11 another thousand miles of beaches in Alaska. That's  
12 nonsense. And Hickie, and Hammond, and before them  
13 Grandik (ph). Our institutions are just not flourishing  
14 here. Maybe it's because we had another kind of  
15 pollution. Too much oil money. Fat and sloppy in this  
16 country. Anyway the behavior of Government is something  
17 that needs to be addressed in great detail. I heard the  
18 Mayor of Homer eluded to people taking advantage to make  
19 money off the oil spill. That goes for city governments.  
20 And agencies and other folks. You got to look in to the  
21 administration costs that the concerned Governmental  
22 Agencies have charged for putting some of Exxon's money  
23 to work. I think you will find that those things are  
23 going to be held against us as a State when the  
25 litigation arises.

1           MR. PARKER:     What kind of overhead are they  
2 charging?

3           MR. SMITH:     In some places, up to twenty three  
4 percent I believe. Which is five percent less than VECO  
5 is charging in its cost plus. In any case, it's a  
6 different thing in every place, and that's what we need  
7 to discover. The major issue before us is right here in  
8 Cook Inlet. We've done quite a bit of work on it, in  
9 fact we've been appealing to the State and the Coast  
10 Guard since the week after the spill. To get the same  
11 kind, or some other sensible interim protective measures  
12 to keep a spill from occurring in Cook Inlet.

13           It's particularly frightening to me to have talked  
14 yesterday on the telephone to the middle manager for DEC  
15 in charge of these Cook Inlet matters and to have him  
16 say, "I'll deny it if you say that I said this, but I'm  
17 thankful everyday that there is not a major spill in Cook  
18 Inlet." Cook Inlet is afterall the place that it has  
19 been most likely for it to happen for a long time.  
20 Because there's more tanker traffic in the number of  
21 vessels in Cook Inlet than there is in Prince Williams  
22 Sound. The average age of those vessels is older. Many  
23 of them are junk tankers like the Glacier Bay. That the  
23 oil terminals are amongst the most exposed in the world.  
25 like Valdez, which is amongst the safest, afterall. That



1 Drift River is a facility for off loading oil that is not  
2 usually seen in the civilized world according to the ship  
3 pilots that I know. And they all live, virtually all  
4 these pilots that work these waters live in Homer. These  
5 guys can tell you stories that will curl your hair hour  
6 after hour, and I think they all ought to be deposed or  
7 testify under oath before you about their perception of  
8 this traffic. We have these unsafe terminals. We have,  
9 as Dan Calhoun was pointing out, difficult navigating  
10 conditions. We have some of the highest tides in the  
11 world, and consequently some of the fastest currents.  
12 It's a tanker to lose power in Cook Inlet would be no  
13 more than an hour or two by the time it was as far as  
14 Ninilchik, from hanging up on a bar, and breaking up in  
15 the Inlet. Eight days after that oil would be in the  
16 Bearing Sea, it would be through the Unimak Pass (ph).  
17 We could have a spill that affects the Bristol Bay  
18 Fishery this year. We could be having it now. So if  
19 there was anything that the commission could do, short of  
20 your January or February report...I mean if we were to  
21 convince you today, would you ask the Governor tomorrow  
22 for protections in Cook Inlet?

23 MR. PARKER: I wouldn't know exactly what  
23 protections in Cook Inlet to ask him for, but we have  
25

1 identified Cook Inlet as a problem. We're going to  
2 follow up on...establish the history of what's happened  
3 since Glacier Bay. For one, to find the composition of  
4 the tanker traffic that's operating out of here right  
5 now. Ask Commissioner Kelso what he's done about his  
6 contingency plan since Glacier Bay and things like that.  
7 But I...we're just beginning to get that act together.  
8 Tomorrow I wouldn't know, quite know what to ask him for,  
9 but maybe in ten days.

10 MR. SMITH: That's encouraging. From DEC we have a  
11 fax. It's more a questionnaire about what do local  
12 fishing organizations think of possible interim pollution  
13 prevention measures for Cook Inlet and proposing  
14 different kinds of things. I certainly agree with  
15 Commissioner Sund. There's something we could have done  
16 in this case because of the protected waters, and because  
17 of the low technology solutions that have worked, not  
18 only here, but folks that were calling us from Nova  
19 Scotia said, hey this is what we did there. If it hadn't  
20 been for our organizational chaos, if people had not had  
21 so many obstacles to climb over with their home made gear  
22 for attacking oil in the water. A great quantity of the  
23 oil that slopped up our outer coast here down to Kodiak  
23 and out the Alaska Peninsula could have stopped when it  
25 was trying to get out of the Sound. That's not all of it

1 certainly. But you could've saved a lot of these  
2 fisheries. And as far as I'm concerned. It took the  
3 will to say there's only one way to stop this, and that's  
4 to go after it and to hang the expense. We will figure  
5 how to litigate with Exxon later. We'll spend our five  
6 hundred million dollars trying to protect some of the  
7 environment instead of trying to recover some quantities  
8 of money. We'll hope to give you a less rambling sort of  
9 discourse in writing. Thank you for being here.

10 MR. PARKER: Thank you very much Larry. I know you  
11 put a lot of work in on this. Thank you for your  
12 previous letter which I found most constructive. We will  
13 follow up on...Commissioners. Ed.

14 MR. WENK: Just very swiftly. I wanted...I'm not  
15 sure this is going to be much in the way of reassurance  
16 in terms of the time table. I'm with the Chairman in  
17 terms of wanting to listen very hard to your plea for  
18 perhaps some interim guidance to the Governor at least.  
19 I want to emphasize our interest in what you characterize  
20 as organizational chaos. Behavior of the Government, I  
21 think you'll probably accept misbehavior of the  
22 Government. This has been so conspicuous in past  
23 testimony that we are absolutely determined to follow  
23 that in the belief that not only the organizational level  
25 that you saw was their chaos, but a belief that there is

1 a pathology as it were of corporate culture. When I use  
2 that term, I don't mean just private corporations. I  
3 mean corporate culture in every organization that begins  
4 at the top. And has an influence on decision making at  
5 every level, including the organizational level. And we  
6 are determined to get to the bottom of that in terms of  
7 what these internal priorities might have been. That  
8 could have inadvertantly led to indifference or worse.  
9 Much worse. In that regard, we've been on a quest for  
10 some of the authorities around the country who have  
11 studied organizational behavior. Who have studied the  
12 influence of corporate culture of all things on emergency  
13 preparedness, so that this is not a new subject. We hope  
14 to have them somehow or another concentrating their minds  
15 on this problem within the next couple of weeks. For  
16 whatever it's worth. You've hit a resident chord.

17 MR. SMITH: Thank you I'll read that.

18 MR. PARKER: Other Commissioners? Thank you Larry.  
19 Dr. Brad Williams. Community Mental Health Director.  
20 Sorry to back things up so.

21 DR. WILLIAMS: I'd like to thank you all for  
22 inviting me here to speak on the mental health issues  
23 today surrounding this spill. Apparently new to the  
23 State of Alaska only about seven months now to director  
25 at Homer, but not new to mental health issues. It's been

1 an interesting process.

2 MR. SUND: Speak up so the audience can hear you.

3 DR. WILLIAMS: Allright. It's been an interesting  
4 process to see how the communities pull together to  
5 handle these issues. I thought I might start off today  
6 by mentioning a little bit about what these mental health  
7 issues that the agencies have seen within the community.  
8 It's an interesting phenomena, when there is a crisis or  
9 disaster as such has happened as how services of mental  
10 health are needed. They begin in a rather indirect  
11 method, and moving into where direct services are needed.  
12 And direct services following a crisis tend to come  
13 towards the end of a continuum, where perhaps, people are  
14 seeking more services through agencies such as women's  
15 services where they may be more stress related to family  
16 issues, and abuse of situations or into hospitals or into  
17 physical ailments, or complaints realted to the stress.  
18 With mandated mental health services, following down to  
19 the end. So initially the mental health issues in the  
20 community were focused on providing needs assessments  
21 with allied providers in the community, such as the  
22 alchohol programs, the spouse abuse programs. Consulting  
23 with the hospitals, the police departments, the senior  
24 centers. The different agencies around getting a corps  
25 of people together to help put together information to

1 pass out to the community, on what stress is, and how it  
2 is tied to the spill. It's our belief that direct  
3 service issues from the spill are coming into the homer  
4 area. We always felt that they wouldn't arrive until  
5 some months after the more prolonged impact of economic  
6 losses. Like some folks were saying this afternoon, the  
7 problems associated with making good business decisions  
8 during the problems faced by the fishermen. If good  
9 decisions are made. Or lucky decisions are made, perhaps  
10 the impact won't be as stressful as if some unfortunate  
11 decisions were made. Mental Health needs to be able to  
12 address those issues when they arise. So up until this  
13 point, many of the services provided by Mental Health  
14 have been indirect in consultive natures to the other  
15 agencies in realizing in the overall picture that the  
16 State monies that are mandated are targeted for mental  
17 health are the restricted funds, and are only allowed to  
18 be spent in certain ways through water trails. It is  
19 pretty carefully funded. So well the services in  
20 consulting, meeting with the crisis intervention teams  
21 that have done debriefings in the community all are  
22 coming out of the worker's spare time away from mental  
23 health. Eventually that has to end. They have to  
23 maintain their own services to the targeted populations  
25 in this State. In looking, I think what the government

1 in this State can help do during the crisis in mental  
2 health is to realize that much of the money is restricted  
3 in use for a mental health agency. Planning for the long  
4 term affects of when the true need for direct services  
5 are gonna come, will there be money there to help support  
6 the services? One of our concerns especially across the  
7 bay, in Porkram (ph) English Bay in Soldovia. That it  
8 has been historically difficult to provide good mental  
9 health services to those areas even in the best of times.  
10 Just recently earlier this week, we received significant  
11 budget cuts on a State level which you're going to have  
12 reductions in personnel. Reductions in services all  
13 across mental health areas. And when it comes time to  
14 dealing with services across the bay, to folks that are  
15 making their living more and more on fishing,  
16 subsistence. Those services just aren't going to be  
17 available.

18 MR. PARKER: Those budget cuts were a reduction in  
19 the level of service from the previous budget?

20 DR. WILLIAMS: Yes, from the previous year. In our  
21 clinicians that do travel across the bay, and talking  
22 with the numbers of the villages in the communities, and  
23 working with the North Pacific Rim. Somewhat, we're  
23 getting feedback that the problems are coming from a lot  
25 of money coming from the spill to the villages, and then

1 the villiagers and the populations not knowing quite what  
2 to do with all this money. And as they're out earning  
3 this money, they're not taking care of normal business  
4 which will eventually catch up to them. It's kind of...I  
5 would see that prevention especially in the mental health  
6 area is greatly needed to help bring people to help with,  
7 how do we manage the money, how do we manage the business  
8 decisions during a crisis situation before it gets to the  
9 impact of where direct services are needed.

10 MR. PARKER: I'm not taking care of normal business  
11 needs, seems, you know, doesn't seem that important in  
12 each individual. But when you spread it over the whole  
13 society, why, it's bound to have tremendous cumulative  
14 affect. I'm feeling that affect already. I'm not that  
15 far into it. All my colleagues are too.

16 DR. WILLIAMS: As a center, I think it's important  
17 that there been some feelings in the community that  
18 service would increase. But actually as a center in  
19 mental health, they've actually decreased over the last  
20 month. I think that has a lot to do with because people  
21 are still involved with the spill, and they haven't had  
22 time to have the impact of what's going to happen when  
23 this is all finished. The clean up is all over, and the  
23 fishing has all declined, services have been hurt. How  
25 do we manage what's left over? I still think that's



1 coming this fall. I think a contingency plan in the  
2 future would help this State plan for how do we increase  
3 services without restricted funds, that we could deal  
4 with these issues.

5 MR. PARKER: Commissioners, questions? Do you have  
6 any proposals that the community has made to the oil  
7 spill coordinating office in Juneau?

8 DR. WILLIAMS: We've had proposals put through our  
9 division of mental health and developmental disabilities  
10 to increase what we thought was a modest proposal across  
11 the bay. Mainly for services, we felt if we could work  
12 to get a clinician across the bay on a more full time  
13 level, that that would leave clinicians freed up on this  
14 side of the bay to handle any increases that were coming.  
15 However, all our plans so far have not been answered. It  
16 has been real hard to get information back from those in  
17 Juneau.

18 MR. PARKER: Okay. Anyone else. Okay thank you  
19 Doctor. This problem affects all the oil spill  
20 communities. We have it highlited as a high priority  
21 item to the mini cabinet as a result of our visits to our  
22 other communities, and we'll continue to monitor it  
23 carefully, and since we'll be out of the communities. A  
23 good deal in the next several months, hopefully we'll be  
25 of some aid to help you in resolving it.

1 DR. WILLIAMS: Good, we appreciate that. That  
2 highliting is helpful. Thank you.

3 MR. PARKER: Lester Leatherberry. Are you still  
4 here? Come on up.

5 MR. LEATHERBERRY: I'm Lester Leatherberry with the  
6 Department of Enviornmental Conservation. I'm the  
7 district office manager for the Kenai district office in  
8 Soldotna, Homer and Seward, and the Kenai Peninsula are  
9 all part of my district office, including the far side of  
10 Cook Inlet. From approximately May 4 to sometime right  
11 around the twenty fourth of June. I functioned here in  
12 Homer as the departments lead individual, and also as the  
13 Homer MAC Chairman. A little bit of history on myself  
14 and the district office. The Kenai district office  
15 consists of fourteen people in my division. Division of  
16 enviornmental quality. It's the largest district office  
17 in the Department of Enviornmental Conservation. Two  
18 years ago, that office was the lead responding agency and  
19 system for the Glacier Bay oil spill. Which seems to  
20 have been brought up a few times here. During this oil  
21 spill response, the fourteen person office was down for  
22 most of three months to one person being in the office,  
23 and handling the district. The remaining thirteen  
23 persons were from Valdez to Homer, Seward to Kodiak, in  
25 response to the oil spill. Their duration of response

1 was a little over ninety days. As you can probably  
2 guess, a fourteen person office dropping down to one  
3 person for ninety days creates some havoc for the general  
4 public who rely on services. During the Kenai District  
5 Office personnel's response to this oil spill, in Kenai  
6 alone, and the Kenai Peninsula, there were over two  
7 hundred three incidences of oil or hazardous substance  
8 discharges. Many of which are still not being responded  
9 to. As far as the response as this oil spill goes, DEC  
10 as my understanding, was the lead agency for the State.  
11 A State decree. As such, DEC took the lead position for  
12 State agencies here in Homer. And still maintains that  
13 position. The response in this area by Exxon during the  
14 time period that I was here, I feel was less than  
15 adequate. And in many cases, a farce. I feel that there  
16 are a great many people that have put a great deal of  
17 effort in this oil spill, and oil spill response. I feel  
18 that there has been a great deal of hard work in an  
19 attempt to get this oil cleaned up. And the beaches  
20 restored as best possible. There was a question earlier  
21 about the RRT. And DEC does participate in that RRT.  
22 But something that may not be understood is that the DEC  
23 representative for years was one individual who just  
23 recently quit and moved south. The new individual that  
25 took over that responsibility took it over probably three

1 months prior to this oil spill. Their knowledge of oil  
2 spill, and oil spill response, and the RAT team, or RRT  
3 is very limited. So the response by that individual may  
4 not have been as good as it should have been. Federal  
5 response on this oil spill, I feel that the Coast Guard  
6 here in Homer has done everything that they can. For  
7 some reason it's my personal feeling that someone high in  
8 the Federal Government is controlling the Coast Guard's  
9 movement. I have never in thirteen years of working for  
10 the Department of Conservation seen any oil spill that  
11 was not Federalized far before this point. And numerous  
12 times during meetings here in Homer, both Admiral Yost,  
13 and Admiral Robinson have stated point blank, they would  
14 not Federalize this spill. To me, that tells the spiller  
15 that they can do whatever they want.

16 MR. PARKER: I guess it does to me too.

17 MR. LEATHERBERRY: That's it. I would be glad to  
18 answer any questions.

19 MR. PARKER: Well thank you very much for that.  
20 That brings us a perspective we need on those early days.

21 MR. WENK: Very swiftly, I wonder if I could ask you  
22 a little bit to elaborate on two things. But first, I  
23 wonder if you could give us a few details so we could get  
23 a handle on what went on. But also to the same point,  
25 how far up in the organization do you think a policy was

1 set which in a sense conditioned the kind of misbehavior  
2 you observed?

3 MR. LEATHERBERRY: In what organization?

4 MR. WENK: In Exxon's.

5 MR. LEATHERBERRY: I don't have the slightest idea.  
6 I really don't. I know that in meetings with the Exxon  
7 representatives here in Homer, they have many times  
8 stated to the Coast Guard, and to DEC and other State and  
9 Federal Agencies that they do not take orders from the  
10 Coast Guard here. They take their orders from Exxon  
11 Valdez. So I don't know how far up, and posturing. My  
12 personal opinion, and this is just a personal opinion is  
13 that Exxon has no intent to clean up oil outside of  
14 Prince Williams Sound.

15 MR. WENK: Which is a high level policy.

16 MR. LEATHERBERRY: Apparently.

17 COMM. TIM: Who told you that?

18 MR. LEATHERBERRY: That's my personal opinion.

19 MR. PARKER: Meg.

20 MS. HAYES: Based on your observation of the Coast  
21 Guard, and previous spills, and Exxon in this spill, I'm  
22 curious about what you think would be different if the  
23 spill would have been Federalized? The reason I'm asking  
23 this, is that one of the things that have struck the  
25 Commission as we have been meeting in Valdez and other

1 places, is how similar the background and switching back  
2 and forth of the jobs are of the Coast Guard people with  
3 the oil industry and the tanker industry and I guess I'm  
4 curious about what you think would be different?

5 MR. LEATHERBERRY: I'll give you an example that  
6 could probably sum it up very quickly. That is on the  
7 Glacier Bay oil spill, for the first three, possibly four  
8 days. The Glacier Bay oil spill occurred two years ago  
9 this past July. On the second of July, on the upper end  
10 of Cook Inlet. The first four days, the spiller  
11 responded. And the spiller first was represented by  
12 their lawyer, and a company called MarTech. MarTech  
13 was an oil spill clean up company. They came in. they  
14 responded for four days. The winds came up on the third  
15 or fourth day. MarTech went, welp, golly can't clean up  
16 any more oil. The State didn't like that. We sat down  
17 and had a heart to heart discussion with Captain Russel  
18 (ph) . Who is the Port Captain, or was until recently  
19 the Port Captain in Anchorage. He was the Federal On-  
20 Scene Coordinator for that spill. We talked to him at  
21 length for about three hours and we expressed the  
22 State's concerns and explained to him that we thought  
23 the spill needed to be federalized, or that he needed to  
23 contact the RRT and appraise them of what was going on.  
25 He didn't feel it was necessary to federalize it. He

1 didn't feel at that time that it was necessary to contact  
2 the RRT. We advised him that we were going to go back to  
3 our office, and contact our representative for the RRT.  
4 And explain to him what we felt was going on. We did  
5 that, the next morning our representative for the RRT  
6 called us back at about 7:30 in the morning. Said that  
7 he had called an emergency meeting. The RRT was going to  
8 meet at 9:30 or 10:00 that day in Anchorage. We went  
9 back to the Coast Guard to explain that to them, and  
10 twenty minutes later the Coast Guard Federalized the  
11 spill. When the spill was Federalized, they kept the  
12 same contractor. The difference between that contractor  
13 working for the spiller, and that contractor working for  
14 that Federal Government was the difference between night  
15 and day. Same contractors. No change in stature or  
16 position at all, except now they were working for the  
17 Federal Government, and lo and behold, they could clean  
18 up anything. There seems to have been some constraints  
19 when they were working for the spiller, as far as funds  
20 that were available.

21 MS. HAYES: Thank you.

22 MR. PARKER: As I indicated earlier, we're going to  
23 follow up on Glacier Bay. We'll send someone down to  
23 talk to you in depth about it. And get all the record we  
25 can on it. Any other questions by Commissioners?

1 MS. WUNNICKE: Just because of my checkered past,  
2 did you make a request of DNR for people to help in Homer  
3 area, and if so, how was that handled?

4 MR. LEATHERBERRY: When I came here, I was the third  
5 Chairman of the Homer MAC. One of my employees Don  
6 Segran was chairman for about two weeks after Mayor  
7 Calhoun. I did not make a request to DNR specifically  
8 for personnel. I did talk...I take that back, I did talk  
9 to DNR locally. To Roger McCampbell. And we had no  
10 problems in coming up with personnel to assist in the  
11 beach monitoring. Nor did we have any problems with any  
12 other State Agencies in getting assistance on a local  
13 level. There was a question earlier on whether there was  
14 any problems being experienced on the way up. On the  
15 chain of command going up. Other than a few bumps and  
16 grinds, and Bureaucrats along the way, I've had no  
17 problems in talking with my Commissioner. I have  
18 frequently been called by the Governor's Office while  
19 here in Homer. Other than a few Bureaucrats along the  
20 way who seem to want to go through the process on an  
21 emergency response of getting permits that could be done  
22 later aren't even really necessary. We've had no  
23 problems with communications within our agency, and the  
23 local representatives of other agencies here. There have  
25 been some problems with people who do not understand an



1 oil spill response, and have never been on an oil spill  
2 response who are with State Agencies, and Federal  
3 Agencies and not in this area. Not part of the response  
4 group here. Getting directly in touch with Exxon and  
5 saying, jeepers, you've got to move all your booms from  
6 this area, because we've got fish that'll be coming in  
7 within two weeks. Or you can't do this out here. You  
8 can't do any clean up on this beach because that's a  
9 rockery or something. When that has occurred, the  
10 Federal Representatives, the Coast Guard in this case,  
11 the State Representatives, DEC in this case, have gone to  
12 the agencies and said, wait, stop. If you have a  
13 problem, please contact us, let us have the ability to  
14 resolve the problems. Rather than outside groups coming  
15 in and not knowing what else is going on. And pretty  
16 much it has worked out well. It is a process as with  
17 every spill in letting everyone know where they fall into  
18 the system, and how the system best works. It does work  
19 best with one State Representative, and one Federal  
20 Representative making decisions on a local level. It  
21 does not work good, when you have many State and Federal  
22 Representatives making decisions all over the place.

23 MS. WUNNICKE: You heard Mr. Smith's testimony just  
23 prior to you. That's why I was asking, because you would  
25 like to think that in times of crisis that you would put

1       aside the turf and respond with some leadership. I think  
2       you were the lead person on behalf of the State, or DEC  
3       was the lead agency on behalf of the State.

4           MR. LEATHERBERRY: I questioned it at times, but I  
5       was supposed to be, yes.

6           MS. WUNNICKE: So, if you made that request, and it  
7       was responded to at the local level, was it Paul O'Brian  
8       who was the representative for so many years to the  
9       regional response team?

10          MR. LEATHERBERRY: Yes it was.

11          MR. PARKER: Okay, Commissioner Wallis.

12          MR. WALLIS: Someone in Seward indicated that there  
13       was trouble when the spill first occurred. It took the  
14       State a couple of weeks to get their communication  
15       network set up. Is that true?

16          MR. LEATHERBERRY: When this spill first occurred,  
17       the evening of the first day, I was in Valdez, as part of  
18       the response crew. One of my many functions in Valdez  
19       was supplying logistics for the department and all State  
20       Agencies responding to the spill. The Division of  
21       Emergency Services was already on scene, by the second or  
22       third day. The Governor came in, looked over the  
23       situation, told my Commissioner to get that oil out of  
23       his water, and he didn't care what it took as far as  
25       resource from the State. At that point, that was about

1 the second day. There was no problem with getting any  
2 equipment at all. The State had radios. The State had  
3 division of communications personnel coming in to install  
4 those radios. The problem that I saw was weather and  
5 trying to get the mechanical assets. The helicopters to  
6 move the equipment to the points that the repeaters  
7 needed to be so that they could adequately recover the  
8 areas that we were responsible for. We had full radio  
9 communications with the tanker by the end of the second  
10 day, for the third day. And the problem was trying to  
11 determine where the oil was going to go, so we could best  
12 position repeaters, and not place them in an area where  
13 they could be of no use to us. This system was improved  
14 upon on a continuous basis. They went from small forest  
15 service, DNR forestry response radios and repeaters.  
16 They retained those repeaters. They upgraded to  
17 motorrola saver radios which allowed the State to have  
18 twelve seperate channels. Six of which could be standard  
19 voice operations, and six could be standard marine  
20 operations as the situation progressed.

21 MR. WALLIS: So you had communications within a  
22 couple of days.

23 MR. LEATHERBERRY: We had communications within a  
23 couple of days. The problem now is communications within  
25 outlying areas. Valdez-Prince Williams Sound has commu-

1        nications throughout Prince Williams Sound.        Seward,  
2        Homer, we do not have good communications from here to  
3        our people out on the beach.        A similar communications  
4        system has not been installed here.        And there are some  
5        problems in trying to get the communications system.        To  
6        my understanding that it was ordered some weeks ago, to  
7        the best of my knowledge it has not been installed yet,  
8        or has not been received yet.

9                MR. WALLIS:        What kind of communications are you  
10        looking at, what takes so long?

11               MR. LEATHERBERRY:        It is the same radio system that  
12        they have in Prince Williams Sound.        It is a Saber  
13        UHF/VHF type radio systems.

14               MR. PARKER:        Usually a lot of eager venders for  
15        those kinds of systems.

16               MR. LEATHERBERRY:        True, but as with many other  
17        things, this oil spill, from my perspective when I was in  
18        the supply legistics end of it in Valdez.        The first  
19        thing we found, was that there was not sufficient  
20        resources in the State.        A for instance, Mustang suits.  
21        We had a total of twelve mustang suits within Prince  
22        Williams Sound, by the second day of the oil spill.  
23        Those were six of them borrowed from Fish and Wildlife  
23        protection in Soldotna.        Four of them from the Kenai  
25        district office, and the remaining two were those that

1 were on hand at the Prince Williams Sound. Yet we had  
2 sixty some people there. So there were a lot of people  
3 that didn't have the safety equipment the needed. We  
4 went to purchase those items, and we bought out the State  
5 of Alaska. We bought out the State of Washington. My  
6 understanding is that they are now trying to get them  
7 from the East Coast. The Fish and Game here received  
8 three or four of them finally that are camouflaged. A  
9 great color to find out in the water, from Canada.  
10 Mustang factory has, to my understanding, an order of  
11 fifteen hundred from Exxon. Because nobody has enough of  
12 those small items. There just is not enough stock piled  
13 equipment for the response that was necessary. In this  
14 case, and to spread it out over a large area including  
15 four seperate communities.

16 MR. WALLIS: Have you signed off on Exxon's bacteria  
17 plan?

18 MR. LEATHERBERRY: I have not. I'm not in the oil  
19 spill response at this time. The person that you need to  
20 talk to would be Dick McKeen. He's representing the  
21 department down here now.

22 MR. PARKER: Okay, thank you Lester. You've  
23 inspired me at least to dig in more deeply to why this  
23 spill wasn't federalized than I planned to do anyway.

25 MR. LEATHERBERRY: Okay, thank you.

1 MR. PARKER: Okay, Lee Glen, Fish and Game.

2 MR. GLEN: Mr. Chairman, and members of the  
3 committee, I'm Lee Glen. With the habitat division of  
4 the Alaska Department of the Fish and Game. I appreciate  
5 Lester's comments. I've only been here since the first  
6 of June. I wished I'd been here a lot sooner. So that I  
7 could be more candid with you on some of the problems  
8 that I could compare what I've seen since I was here with  
9 those had I had been here before. Since the 6th of June,  
10 I have to be honest, I haven't seen much progress with  
11 the clean up. The Vice Admiral of the Coast Guard have  
12 demonstrated their limited influence. They, in essence,  
13 can huff and puff and have a little power to demonstrate  
14 their leadership. On June 6th, the Vice Admiral Robbins  
15 stated that we are going to type B clean up shortly after  
16 I had arrived. It is now six weeks later, and all we see  
17 out there is one water washed unit on the outer coast.  
18 Let me just state that the Department of Fish and Game's  
19 primaryily decided that its function will be to document  
20 and collect information for the litigation. We have an  
21 invertebrate study going on the outer coast. To do that,  
22 we have a test fishery that we are supporting, in  
23 regards to our fish biologist who worked out of Soldotna  
23 and Homer. So I throw as much support as I can to that  
25 effort. Because of the importance of that fishery, as

1 you probably know, it's the second largest fishery in  
2 Alaska. Salmon Fisheries, right behind Bristol Bay.  
3 They are in the process using six test boats. Four of  
4 which are out of Ninilchik, and two out of Kenai, that  
5 they use this week, will be Sunday, Monday Tuesday,  
6 Wednesday to do their drift fishery in their tide rips in  
7 the Inlet. You've heard testimony that it doesn't look  
8 good for that drift fishery opening. We'll know that by  
9 mid-week. If that fishery is closed, of course, the  
10 fishermen have lost most of their income because the fish  
11 will have already passed by. We, on that test fishery,  
12 we're primarily interested in collecting samples that are  
13 caught in the net. For fingerprinting, so that we can  
14 use that in litigation so that we can prove that it is  
15 Exxon oil. When those boats aren't used, we have men on  
16 them to collect other samples. We're also following the  
17 oil as it moves ashore up Cook Inlet, and it has  
18 continued to move up Cook Inlet on both East and West  
19 side. Yesterday we had one of our men who picked up  
20 samples on the forelands. So it's moving past the  
21 forelands, and on up. Our job is to monitor also, and to  
22 clean up activities to prevent farther damage to wildlife  
23 and the fishery in the Homer area. The oil also is  
23 spreading of course on down the Peninsula, and by now has  
25 probably passed Perryville. On

1 the West side, the fishery and Kamechak Bay is closed.  
2 Chenik fishery is an enhanced fishery, and the Department  
3 of Fish and Game has contracted boats to take those fish  
4 and use those proceeds to donate for enhancement work.  
5 It was mentioned here. Something about...somebody had a  
6 question about overescatement. And the problems that may  
7 occur with overescatement. Talking to Paul Roost,  
8 management biologist in Upper Cook Inlet. He forsees no  
9 problem associated with overescatement, because in the  
10 last several years, they have had an under escatement in  
11 the streams both in the Kenai River, and the Susitna  
12 system. So therefore the only problem that we have, as I  
13 said, is the Chenik area which is being handled. There  
14 was some discussing about the rock washing machine, which  
15 we haven't been able to get Exxon to commit to. It looks  
16 like it has some good prospects, but as of lately, the  
17 buzzword seems to be bioremediation. And so, it looks  
18 like that may be the effort that Exxon is going to push.  
19 Good or bad, we don't know yet. Fish and Game is  
20 interested primarily on the toxidity of those chemicals  
21 are, and we want to see testing that's done on salmon  
22 fry, and other invertabrates. Just to reiterate what  
23 others have said, I suppose, the effort by the State of  
23 Alaska to clean up oil in the Kenai Peninsula has been  
25 severly hampered by the following reasons. Power to



1 clean up a still spreading spill remains in Exxon's  
2 control. that's been the major problem. In regard to  
3 future oil response efforts by the State, I would  
4 recommend that we number one, minimize the turnover  
5 between supervisory and field staff. In my opinion high  
6 personnel turnover has created adjustment problems which  
7 has diluted our affectiveness. Some other in house  
8 problems. The State needs to set up a standardized  
9 method to collect store and process evidence. To date,  
10 this process is still evolving. Also the State needs to  
11 distribute appropriate laboratory supplies and collecting  
12 equipment in sufficient quantities to all of us inter  
13 agency response staff. We've had some problems laying a  
14 burden on each agency to order it's own supply bottles  
15 for example, and that has not been timely or affective.  
16 In my opinion, research to determine immediate and long  
17 term quantatative damage to the anatomous fish streams  
18 should be funded. Research studies need to be funded  
19 that will asess damage to the ecosystems affected by oil  
20 polluters. This will include the impact on seasonal  
21 migration of various species of mammals, birds, and fish.  
22 My final observations are that the oil industry has not  
23 developed the technology to clean up its mess, and this  
23 fact should put future decisions on development of our  
25 oil resource in greater perspective. Thank you, do you

1 have any questions?

2 MR. PARKER: Thank you Lee. questions anyone? Do  
3 those proceeds from Chenik, do those just go to the  
4 general enhancements, or do they go into some specific  
5 hatchery?

6 MR. GLEN: I'm not just sure where they're going to  
7 go, but I believe they're going to go into an  
8 enhancement, to enhance another fishery.

9 MR. PARKER: Okay thank you. Anyone else? Okay,  
10 thanks Lee. The Oil Spill Coordinator's Office, Dave  
11 Young.

12 MR. YOUNG: Mr. Chairman, Commissioners, thanks for  
13 giving me the opporyunity to take a few minutes of your  
14 time. My name in Dave Young. Since June 1st, I've been  
15 the Field Liason Officer for the Office of the Governor's  
16 Oil Spill Coordinating Office. If you can make sence out  
17 of that, I'm pleased. What I'd like to do is focus on my  
18 time prior to June 1st. And that is my time as an  
19 Emergency Management Officer with the Division of  
20 Emergency Services. I began having some conversations  
21 with the Director of the division two days after the  
22 spill when he returned from his vacation in Hawaii. And  
23 understood that he had a real problem on his hands. Knew  
23 that I had hunted and fished Prince Williams Sound and  
25 spent two years working in Port Graham English Bay,

1 Tatitliik, and Chanega. And so he had called me for some  
2 advice. On March 31 he put me on his pay roll and sent  
3 me out to Valdez. And I think I've been on the go ever  
4 since. I spent the first few days in Valdez. Then  
5 traveled on as the spill progressed to Whittier, Seward.  
6 Held public meetings to Chanega. Had some interesting  
7 experiences with some old friends there as the oil hit  
8 their door step. I could probably relate some of the  
9 horror stories that I'm sure you've heard. But, I want  
10 to progress here, because there's lots of other folks  
11 that you want to hear from. I kind of settled into  
12 Seward for a spell. I believe it was about the fifth of  
13 April. Became a member of the MAC group there.  
14 Representing all of the non resource agencies.  
15 Representing DES and otherwords, other than Fish and  
16 Game, DNR and DEC there were health and social service  
17 issues. Communications issues etc., etc. Other arms of  
18 State Government that had large demands being placed upon  
19 them, but no representation in the decision making  
20 process. That's the role that DES normally would fill  
21 under an incident command system, MAC team set up. I  
22 stayed in Seward for about ten days, I believe. That  
23 included the time when the Homer MAC group was being  
23 formed, but answered to and operated under the Seward  
25 MAC. So I've pretty much been familiar with the process

1 here in Homer form day 1. As the oil progressed down.  
2 About the 11, or 12 of April, or 13. I came down to the  
3 public meeting. We could see that the oil was coming  
4 this way, and that the people were concerned enough that  
5 they absolutely deserve some answers, and deserve to have  
6 some representation from State government here, and from  
7 Exxon. The evening that we held the first public meeting  
8 here was the first time the community of Homer had seen  
9 any representation from Exxon. I've been in Homer ever  
10 since sitting on the MAC group. DES pretty much pulled  
11 out of things as of June 1st. And therein lies the rub.  
12 And you've heard time and time again, the question who is  
13 in charge here? And at the present time, I cover the  
14 entire spill, and it is perfectly evident to me that over  
15 the entire spill, Exxon is in charge. You heard it from  
16 the Admiral this morning. He wished he could tell Exxon  
17 what to do. You can probably accuse me of being a bit  
18 xenophobic, but I'd like to wave the Alaska flag a bit  
19 here today. State Government has disappointed me greatly  
20 in its ability to handle its duties to respond to the  
21 incident and take care of the needs of the people  
22 affected. But I think a lot of the reasons State  
23 Government has failed to respond adequately is just  
23 simply been a product of the magnitude of the situation.  
25 Its sure not for lack of effort for some of the...all is

1 underworked and over paid State employees that we've  
2 heard a lot about during pre-spill. I cannot tell you  
3 enough the respect that I gave for the level of  
4 professionalism and the personal commitment, the personal  
5 loss that some of our State employees have put into this  
6 thing. It's a 'yole man's job' is saying it way too  
7 lightly. There've been some personal triumphs from  
8 agency personnel spill wide. I hope that story can come  
9 out some day. But getting back to who's in charge here,  
10 the State has the division of emergency services, except  
11 for oil spills, this division does their job quite  
12 adequately. Whether it's earthquakes, floods, fires,  
13 what have you. They have just recently adopted the  
14 incident command system, and will be formally adjoining  
15 into the Federal agencies operating under the guidance  
16 real soon from my understanding. They weren't under  
17 that system in the spill, but they were geared up to come  
18 in and take command. That's what they do. They just  
19 recently did it on some of the most serious flooding  
20 we've had in many years. Unfortunately with the oil  
21 spill, the way the law was written, DEC comes as a lead  
22 agency. I'm not going to cut DEC at all, because they  
23 have done their job as far as being lead agency in  
23 cleaning up the oil. They've done an incredible job in  
25 keeping everybody informed in continuing to protect what

1 the state's needs are. However DEC, again because of the  
2 magnitude, and partially because it's not their normal  
3 operating mode. They don't set up telecommunications  
4 systems. They don't call in Department of Commerce and  
5 economic development to talk to the Chamber of Commerce  
6 who's going crazy because their tourism and their fishing  
7 is going to be heard. They don't call in Department of  
8 Community and Regional Affairs to deal with Grant  
9 programs in the villages that are being hampered. They  
10 don't have the personnel. They don't have the mandate.  
11 They don't have the interest and the expertise. This is  
12 the normal role of DES. For about a three week DES was  
13 recognized as needing, and should be filling that role,  
14 and were allowed to. If there was a problem in Port  
15 Graham, I could call up the Commissioner of DCRA and say  
16 I need a man down there. I've got a plane, put him on it.  
17 Get him down there. No, in between Deputy Commissioners  
18 are working up and down the chain. I identify the  
19 problem, called the Commissioner, told them what kind of  
20 a problem I had. What kind of a person I needed. They  
21 were on the plane and solving the problems. We did this  
22 in many of the communities, and working with thirteen of  
23 the fifteen State divisions. It worked great. We had  
23 virtually an unlimited pocket book, and we used it in  
25 most cases wisely. But that didn't last very long.

1 There were some tremendous turf battles in Juneau, and  
2 blood was shed, and DES lost out. And at that point,  
3 State Government could not provide to DEC the resources  
4 that they needed to fill the gaps that DES left behind  
5 when they were no longer there. That's another one of  
6 the beauties of the mandate that DES has had in  
7 incidences in the past, is that virtually they took over  
8 as mayor of the incident. They could have control over  
9 other agencies, and because of the nature of this  
10 particular incident, that was required. There had to be  
11 somebody in charge. So from a State Agency level, I  
12 would suggest you look strongly at who's in charge on the  
13 next one. I'm a firm believer in the incident command  
14 system. I think that that should be looked at. In  
15 whatever you look at in the form of suggesting a response  
16 organization. As far as who's in charge of an oil spill,  
17 it sure as hell should not be the spiller. I must say  
18 that I am extremely distressed at our Federal Government.  
19 I understand I've got Dr. Wenk here, was one of the  
20 creators of the organization NOAH. And yet he has also  
21 issued a statement regarding a don't leave it in the  
22 hands of the experts. So there's a dichotomy here that  
23 poses a bit of a problem in the comment I'm going to  
23 make, but NOAH consistently throughout the life of this  
25 spill has downplayed the impact on our resources. They

1 have downplayed the necessary level of clean up activity  
2 from Exxon as their role as chief advisor's to the Coast  
3 Guard. They have continually been arrogant in their  
4 manner in lack of sensitivity in dealing with the State  
5 people and the agency heads. And now, I'm afraid we're  
6 seeing some of that same attitude from the Coast Guard.  
7 When you go into looking at future legislation, if you  
8 can find a way legally to do it, have it in control of  
9 Alaskan's. Because I honestly feel we are not going to  
10 get the sensitivity from Federal Regulators. The twenty  
11 one day wonders that waltz in and out here on a three  
12 week rotation from Boston Harbor, or Florida, wherever it  
13 might be. They are not going to learn about how to deal  
14 with oil in Alaska in the three weeks that they're here.  
15 It's continually caused us problems. I'd like to clear  
16 up just a couple of things. Again doing it locally, it  
17 has been the Cordova Fisherman's Union. The Fishermen  
18 from Soldovia. The well educated, but also grease under  
19 their fingernails types of folks that have provided Exxon  
20 with the technology that has gotten what little done that  
21 has occurred. That's another reason that we need some  
22 local control. I would suggest that there would be some  
23 sort of a super fund. I was totally shocked when State  
23 Government addressed hundred ten million dollars worth of  
25 agency proposals for their projections to meet the need.



1 They got thirty five point seven million dollars, and  
2 they had to pull, and it took a month and a half to do  
3 it. I feel that probably ninety two million dollars out  
4 of that hundred ten million dollars in proposals were  
5 valid. Just cake that needed to be eaten. And some of  
6 that money was not hitting the street to let the agencies  
7 do their job. There's got to be funding. I'd like to  
8 touch briefly, I could never do it as adequately as Mayor  
9 Calhoun has done, but I'd like to touch on some of the  
10 social issues. You've heard two or three people mention  
11 about some concerns that are going to happen this fall.  
12 You heard from the mental health clinic director that  
13 there's been some concerns about his funding. For what  
14 it's worth, Commissioner Ward, on Tuesday will have her  
15 proposal ready to cover all the alchohol and, let's see,  
16 alchohol counseling, mental health, and sorry excuse me.  
17 One other area, their proposal for funding will be out of  
18 Tuesday, and I hope that it gets paid attention to.  
19 It's not going to take a lot of money, it's just going to  
20 take good coordination.

21 MR. PARKER: Who was that? Which Commissioner?

22 MR. YOUNG: Commissioner Warden, I'm sorry,  
23 Elizabeth Warden. It's not Commissioner. She's the  
23 director of that.....

25 MR. PARKER: Okay, division director.

1           MR. YOUNG: They are looking at the mental health  
2 and alchohol problems in a three phase situation. They  
3 will be looking at the demobilization, September, October  
4 period. Where they see a certain type of problems  
5 arising. Ther're looking at the cabin fever months,  
6 where people will not have their work to focus on.  
7 they're going to have the anxiety over the future to  
8 worry about and possibly lack of money. Then they're  
9 also looking at it from the spring start up mode. You've  
10 heard references made to the greed factor that has taken  
11 over in a lot of communities. There's going to be an  
12 awful lot of jockeying for positions for those fewer  
13 numbers of jobs that are available next spring, and the  
14 fisheries are still in question. So there are a lot of  
15 heavy duty issues facing us once demobilization occurs.  
16 There was a question brought up to you earlier regarding  
17 public information availability and since about April  
18 fourteenth here in Homer there's been daily radio  
19 broadcasts put out by the division of emergency services  
20 a daily news letter that was very factual. Very cogent  
21 to Homer's particular needs. Made widely available.  
22 Distributed at some twenty locations. I feel that under  
23 the circumstances this community next to Cordova next to  
23 their fax sheet that they've put up themselves have  
25 probably had the best access to information on the spill

1 of any community here on the spill. I think I probably  
2 better end right now.

3 MR. PARKER: Okay, thank you Dave. Tim.

4 MR. WALLIS: Yeah Dave, basically what you're saying  
5 is that we should require the State to have a contingency  
6 plan for this type of an emergency, or any emergency  
7 really.

8 MR. YOUNG: Absolutely, and the funding to back it  
9 up.

10 MS. WUNNICKE: Mr. Chairman.

11 MR. PARKER: Esther.

12 MS. WUNNICKE: You've answered an unspoken question  
13 of mine from the beginning of service on this Commission,  
14 and that was where the Office of Emergency Services,  
15 because it seems that they've disappeared. Let me ask  
16 you a question of, was the Guard ever used or called out?  
17 I was outside during part of this time, and when the  
18 Governor declared a State Emergency, was any use made of  
19 the Guard?

20 MR. YOUNG: Some use was made of Guard helicopters.  
21 Fairly large use was made of Guard aircraft and logistics  
22 people, and public information people, and also the civil  
23 air patrol was called in from around the State to provide  
23 assistance in the early days.

25 MS. WUNNICKE: Thank you.

1 MR. PARKER: If DES lost in the turf battle in  
2 Juneau, who won? The minicabinet, OSCO or.....

3 MR. YOUNG: I think the poeple of Alaska lost.

4 MR. PARKER: Yeah, I think they did too. That's one  
5 of our many jobs to get into that period, and the  
6 structure through which the State Government responded to  
7 this, and you've given us a great deal of insight on  
8 that, and I thank you for it.

9 MR. YOUNG: I wanted to throw one last shot in,  
10 regarding a superfund, I agree with some of the comments  
11 that you have heard earlier. It has got to be a cost of  
12 doing business in Alaska. We need to figure out what  
13 it's going to cost us to provide the protection and have  
14 the money sitting in a fund to respond in a worst case  
15 scenario. And the oil indusrty is going to have to pay  
16 for it. If they will not, I do not agree with Mayor  
17 Gillman, I agree with Mayor Calhoun. My family has been  
18 here since the gold rush, and we've been here through a  
19 lot of hard times. We always seem to get by. I've  
20 loved having my piece of the oil money, but I can sure as  
21 hell do without it too. It has got to be put to them as  
22 this is a cost of doing business in Alaska. We do things  
23 differently here.

23 MR. PARKER: Thank you. Ed.

25 MR. WENK: A quick question at the risk of pushing

1 into highly sensitive areas, and you'll know when you  
2 can't say something. But I believe this point that what  
3 the Chairman asked is really crucial with regard to this  
4 turf battle. I guess what I'm wondering out loud about,  
5 if was this battle a tactical or a strategic battle.  
6 What I mean is, was this simply a battle between two  
7 bureaucrats, or was there a characteristic policy that  
8 enveloped the upper echelons of the State government  
9 beginning with the Governor's Office. And operating in a  
10 cabinet level which had something to do with it.

11 MR. YOUNG: I would say it was a bit of a strategic  
12 battle. I know that the director of the Division of  
13 Emergency Services, and his right hand person that was  
14 heading the show out of Valdez did go to Juneau with a  
15 whole raft of information showing that here's what needed  
16 to be done to protect the State's interest on this spill  
17 response. And areas that were not being covered. And  
18 areas that needed funding. Or they needed the authority  
19 and the funding in order to address those needs. And  
20 there was a turf battle, and they lost. And again I  
21 think we all came out on the short end of the stick on  
22 that one.

23 MR. WENK: As an outsider you'll have to forgive me  
23 if I ask a dumb question like this, but I'm going to ask  
25 it. I've read in your Alaska newspapers about members of

1 the legislature being in the pockets of the oil  
2 companies. I am not going to ask for names. I'm not  
3 even going to ask if that's true. What I want to know  
4 is, do you know whether or not the oil companies were  
5 consulted, when these decisions were made at the  
6 Governor's level?

7 MR. YOUNG: As far as the availability of money to  
8 do the job rather than pulling it out of the legislature?  
9 I'm not sure I'm with you.

10 MR. WENK: Well, with regard to turf in the first  
11 instance.

12 MR. YOUNG: No, I don't think that the oil companies  
13 were consulted no. I don't think these were political  
14 decisions in an oil company outside of turf scense.

15 MR. PARKER: Okay, thank you Dave. Dick McKeen.

16 MR. McKEEN: My name is Dick McKeen, and I am DEC's  
17 project coordinator for the Homer Office. I became  
18 involved in a spill during the early morning hours of  
19 March 24th, where I was stationed in Valdez, and I was  
20 stationed there until the 20th of June until I was  
21 transferred to the Homer Office. Since my arrival in  
22 Homer, DEC's role as the State's leading oil spill  
23 response agency, has been to attempt to one, lessen the  
23 impacts of the spill providing the State's  
25 recommendations and concerns regarding the clean up

1 efforts to the spill response committees, Exxon, and the  
2 U.S. Coast Guard. Two, to see that the clean up proceeds  
3 in a manner that's consistent with State and  
4 enviornmental regulations. Three, to document Exxon's  
5 efforts to clean up the shorelines and the coastal  
6 regions of the Homer region. As everyone is aware, the  
7 spill occurred in Prince Williams Sound. The shorelines  
8 in the Sound therefore were the first to be impacted by  
9 the spill, and were hardest hit. As oil moved out of the  
10 sound, the impacts generally were not severe, and more  
11 widely scattered, thus creating a legistical nightmare  
12 for Exxon. As a result Exxon concentrated their clean up  
13 efforts in the Sound, and concerns for remaining areas  
14 appear to become secondary in their planning. As I was  
15 not in Homer when the oil first reached the region, I was  
16 not in Homer when the oil first reached the region. But  
17 it is my understanding that Exxon was slow to mobilize  
18 work forces in the area. Clean up efforts generally  
19 consisted of non mechanical clean up using shovels and  
20 obsorbants to pick up the oiled moose which was being  
21 deposited on the shorelines by the tides. By the time I  
22 arrived, much of the moose and oily debree that had  
23 fouled the shorelines had been one, lifted by the tides,  
23 and wave action and had moved further down the coast to  
25 contaminate other coastal areas. Two, had worked into

1 the beaches, or three had been picked up by work crews.  
2 A common perception in this area is that a quicker  
3 response could have greatly reduced the impact to this  
4 area as well as the neighboring areas. Since my arrival,  
5 clean up has progressed ver slowly. Shovels, trowels,  
6 and obsorbants are still the primary clean up tools. Use  
7 of shovels often is restricted by Exxon, however, because  
8 beachworkers in their enthusiasm to pick oil contaminated  
9 debree, and soils, pick up too much material from the  
10 beach, thus creating disposal problems for Exxon.  
11 Mechanical clean up has been introduced to the area  
12 during the past several weeks. But as of July 12, only  
13 one small operation Tuxeani (ph) Bay was in place. Homer  
14 crews appear to be totally inexperienced in beach washing  
15 techniques, which reduces the affectiveness of their  
16 operations. The department has suggested that Exxon  
17 bring in a few experienced beach wash personnel from the  
18 Sound for training purposes. So the local workers do not  
19 have to waste valuable time for learning for trial and  
20 error. Based on my observations, it appears Exxon's  
21 plans for the Homer area has been, and continues to be to  
22 clean up the surficial contamination. That is pick up  
23 tar balls, moose patties, and oil contaminated debree.  
23 And leave the remainder of the oil contaminated soils for  
25 mother nature and her winter storms to deal with. I hope



1 this is not the case, and that Exxon will make a genuine  
2 effort to one, bring additional mechanical clean up  
3 equipment to the homer area. Two, monitor the stats of  
4 the beaches this winter. Three, return next summer to  
5 complete the clean up. Through my involvement with the  
6 spill, I have learned that despite what many oil...pro  
7 oil people have been telling the public, major spills do  
8 happen. And the oil industry does not have a quick  
9 response capability to contain spilled oil or the  
10 capability to clean up contaminated shorelines, to an  
11 enviornmentally exceptable condition. This concludes my  
12 comments. Thank you for an opportunity to speak before  
13 the Commission.

14 MR. PARKER: Thank you, Mr. McKeen. I'll ask  
15 Commissioner Wallis' question for him since he's not  
16 here. The bio-degradables approach, could you comment on  
17 that?

18 MR. McKEEN: Okay, that has been under discussion  
19 with the EPA, NOAH, and DEC, and as far as I am aware,  
20 DEC is not yet signed off on it. Tests have been run but  
21 I do not believe it has been proved as a treatment  
22 method.

23 MR. PARKER: Ed.

23 MR. WENK: I guess this question shows I'm a little  
25 bit slow here this afternonn. It really ought to be

1 addressed to Dave Young, if he is still here. Not here?  
2 Well then let me address to you, but it is fair for you  
3 to say you don't know. The comment was made about the  
4 questionable decisions, or should say, questionable  
5 interpretations being put on various situations by NOAH.  
6 That really represent more than just skepticism of the  
7 agencies technical abilities. It makes one wonder  
8 whether some of these judgements are politically  
9 influenced. Have you been at any meetings, I think Dave  
10 is here now, but I'll continue to ask you the question,  
11 if I may. Have you been at any of these meetings that he  
12 aluded to, and if so, what is your judgement in this  
13 regard?

14 MR. McKEEN: I missed part of Dave's talk. Which  
15 meetings were they?

16 MR. WENK: Well Dave, I was coming back to your, If  
17 I understood you correctly, your earlier concern about  
18 NOAH's judgement in interpreting some of the data and  
19 coming to conclusions which may not be consistent with  
20 good scientific judgement, and I realize...I didn't get  
21 to that question while you were still here, and I meant  
22 to. Therefore I addressed it to your colleague.

23 MR. McKEEN: I'm not sure I've been to the same  
23 meetings that he's referring to. I wasn't in the Homer  
25 area at that time, but as far as NOAH, and DEC, there

1 have been differences of opinion. Whether that's based  
2 on just that, differences of opinion, or whether it was  
3 politically motivated, I can't say. There definately  
4 have been strong differences of opinion between Noah and  
5 DEC on various matters since the spill occurred.

6 MR. WENK: Most scientists are known to disagree  
7 onthe same facts, so that can happen. On the other hand,  
8 do you see in a pattern to the disagreement? Let me put  
9 it that way.

10 MR. MCKEEN: I'm not sure I would go that far as to  
11 say that I've seen a pattern. I have questioned it, but  
12 I can't say that I've seen a pattern.

13 MR. PARKER: Thank you Dick. Jack Lentfer.

14 MR. LENTFER: My name is Jack Lentfer, I am  
15 representing Chugach Alaska Corporation on the homer MAC  
16 committee. Chugach Alaska Corporation is owned by about  
17 two thousand native shareholders, and is one of thirteen  
18 regional corporations created by the native claims  
19 settlement act. The Chugach Region extends from Eastern  
20 Prince Williams Sound west to the tip of the Kenai  
21 Peninsula. A strait line distance along the coast line  
22 approximately 450 miles. The region contains five native  
23 villages. Eyak, Tatitlik, Chanega, all in Prince  
23 Williams Sound, and Port Graham and English Bay, on the  
25 lower Kenai Peninsula. Chugach native region contains

1 many miles of shoreline with important subsistence,  
2 fishery, timber, recreational values. Many miles have  
3 been oiled by the Exxon Valdez spill. The region also  
4 contains approximately one hundred agricultural sites  
5 located in the spill impact zone. In order to better  
6 assess the extent, and affect of the spill, and to work  
7 with agencies to influence moderate beach clean up.  
8 Chugach Alaska has formed an oil spill response team.  
9 With natural resource specialist and archaeologist based  
10 in Valdez, Seward, and Homer. I'll limit the rest of my  
11 comments to the Homer area. I believe much of what I say  
12 may have application in the Prince Williams Sound and  
13 Seward areas, and may be of value to the Oil Spill  
14 Commission as you develop recommendations to prevent and  
15 litigate future spills. English Bay and Port Graham both  
16 off the road system are heavily oriented to subsistence  
17 use of coastal resources. Resources include muscles,  
18 clams, titons, snails, lipids, crabs, octopus, seaweed,  
19 sea lions, ducks, black bears, mountain goats, salmon,  
20 halibut, and other fish. The area of primary use extends  
21 from Port Shadom (ph), to about Soldovia and the area of  
22 historical high use includes Chugach, Windy and Rocky  
23 Bays in the outside coast. These outer coastal areas are  
23 not used now for subsistence gathering, but are  
25 considered important reserve areas should resources

1 closer to the villiages become depleted. One of the  
2 major concerns with regard to inter title organisms that  
3 have been oiled is the degree in persistence of oil  
4 toxidity. Even though the appearance smell and taste of  
5 organisms from an oiled beach may after time appear to be  
6 normal, their perception is that there may still be  
7 danger. Therefore organisms are not gathered and impacts  
8 and dependent people can be quite severe. The Alaska  
9 Department of Fish and Game is collecting subsistence  
10 organisms from different oiled beaches and sampling from  
11 toxidity. Exxon has recently contracted for similar  
12 study. It is important that these studies be continued,  
13 and perhaps expanded and findings made available as soon  
14 as possible. The affects of the oil spill on commercial  
15 fisheries is another consideration. Many residents of  
16 Port Graham and English Bay are commercial fishermen and  
17 the cannery in Port Graham is owned by the Chugach Alaska  
18 Corporation. Fishermen, cannery workers, and the cannery  
19 owner all suffer when fisheries are closed because of a  
20 spill. All may also suffer in future years if oil  
21 reduces fish stocks and fewer fish are available.  
22 Threats to archaeological sites are another concern. The  
23 most significant threat is theft and vandalism to sites,  
23 as a result of clean up activities and increased numbers  
25 of people near sites. Sites may also be damaged and

1 artifacts lost if sites are not identified before  
2 mechanical clean up, which moves appreciable amounts of  
3 beach material. The final concern relates to social  
4 affects. Village lifestyles can be changed significantly  
5 if residents go into the winter without the normal amount  
6 of food that has been gathered and stored during spring,  
7 summer, and fall. This gathering has not occurred this  
8 year because of toxidity, real or percieved. And because  
9 residents have been employed in clean up activities, and  
10 have not had time for traditional gathering activities.  
11 Income from clean up work will not compensate by being  
12 available for store food, which must be flown in or  
13 brought in by boat. And is quite expensive, and at times  
14 not available. Also, cash may be used for alchohol,  
15 which makes it unavailable for food and contributes even  
16 more to undesirable social affects. I will now comment  
17 briefly on clean up activities. The major concern from  
18 the very beginning is that there have not been enough  
19 workers on the beaches of the outer Kenai Peninsula.  
20 With enough workers during early clean up stages, heavy  
21 oil deposits could have been removed before penetrating  
22 into the sub strait or being refloated or deposited  
23 elsewhere. State agencies and the Coast Guard have been  
23 unanimous from their beginning. And their request to  
25 Exxon to put adequate numbers of workers on the beaches.

1 Another concern is the extremely slow process for  
2 generating cleanup work orders, and ultimately direction  
3 for workers on the beaches. Involved is a routing of  
4 beach assessment reports, work oredrs, approvals, field  
5 operational directives between agencies, the inter agency  
6 shoreline committee, shoreline containment assessment  
7 teams, resource assessment teams, the Coast Guard, Exxon  
8 and Valdez, Exxon and Homer, and VECO. As an example,  
9 during the past week a shoreline committee received work  
10 orders for review based on beach asesments done in early  
11 may. Clean up was further hampered because of the  
12 slowness in using mechanical treatment on the outer  
13 beaches. Techniques that have been affective and  
14 operational in Prince Williams Sound for weeks and  
15 perhaps months have been tested in the Homer area on a  
16 limited basis by inexperienced personnel. Instead of  
17 having been used here on an operational basis, as soon as  
18 their affectiveness was demonstrated in Prince William  
19 Sound. A concern from an archaeological standpoint is  
20 that shoreline assessment teams do not always locate  
21 significate archaeological sites, and proper protective  
22 measures are not afforded. A final concern, and this has  
23 been expressed by others today relates to functioning of  
23 the Homer MAC committee. Agencies have their highest  
25 ranking people on the committee, and at meetings. Exxon

1 is represented by a spokesman with two levels of decision  
2 making above him. Consequently many concerns are  
3 addressed by stating that Exxon will have to get back to  
4 the committee. Information flow, and decision making  
5 could improve if Exxon were represented by higher  
6 management. This concludes my testimony, and I thank  
7 you.

8 MR. PARKER: Questions? We've received a good many  
9 complaints generally on the way the archaeological sites  
10 are being handled, and as I understand it, Exxon is  
11 hiring most of the archaeologists that are going out on  
12 the sites. And that VECO and Exxon employees on the sites  
13 are not excepting their determinations in all cases.  
14 Could you expand on that for me? As I told some people  
15 who were complaining in Kodiak, the troopers say they can  
16 take no action on stopping or anything because they can't  
17 identify a site, which my response is send an  
18 archaeologist with the trooper. But it just doesn't  
19 seem to be an area that isn't quite working.

20 MR. LENTFER: I agree, there have been some  
21 difficulties, and I'm sorry, I can't be very specific.  
22 Exxon does have an archaeologist, the State  
23 Archaeological Office in the Department of Natural  
23 Resources is also involved. They review work orders, and  
25 sign off on them to the best of their ability. However,



1 as I understand it in some cases the Scat Teams that do  
2 the initial assessment don't spend enough time on the  
3 beaches to necessarily identify these sites, or make  
4 adequate recommendations for protection.

5 MR. PARKER: Okay, thank you Jack. This helps  
6 clarify it somewhat for me. Esther.

7 MS. WUNNICKE: Are any of the villages outside of  
8 the affected areas that are represented by the villiages  
9 Chugach shipping in native foods into those villages  
10 or.....

11 MR. LENTFER: There has been some exchange of foods,  
12 yes. Some salmon from the Copper River Delta have come  
13 into Port Graham and English Bay.

14 MS. WUNNICKE: Under who's ospisus has that been?

15 MR. LENTFER: The villages themselves, as I  
16 understand it, have been under direct voluntary basis.

17 MR. PARKER: Tim.

18 MR. WALLIS: I've heard that Exxon is going into the  
19 villages, or plan to go into the villages to do food  
20 tests. Have you heard anything about that?

21 MR. LENTFER: Yes, they've just recently, probably  
22 about two weeks ago started a project. They contracted  
23 with.....

23 MS. WUNNICKE: Dames & Moore

25 MS. LENTFER: .....Dames & Moore, correct. And they

1 have people working with subsistence...people from the  
2 subsistence section of the Department of Fish and Game.  
3 To collect subsistence foods and test toxidities.

4 MR. WALLIS: Has there been any problems in that?

5 MR. LENTFER: Problems of what.....

6 MR. WALLIS: I heard one of the villages. I believe  
7 it was in Kodiak, so maybe you haven't heard about it  
8 where they've had some type of confrontation. And Exxon  
9 was asked to leave.

10 MR. LENTFER: No, I'm not familiar with that. The  
11 villages, English Bay, and Port Graham, that I'm familiar  
12 with the Fish and Game representative who had worked in  
13 the area previously, and had some experience was  
14 involved, and I think he, or they kind of made  
15 introductions for the Exxon representatives as I  
16 understand things went all right.

17 MR. WALLIS: Because I had heard after that  
18 incident, Exxon said it was going to go into the villages  
19 whether they liked it or not. And do the work.

20 MR. LENTFER: I'm not familiar with that.

21 MR. WALLIS: Okay, thank you.

22 MR. PARKER: Anybody else? Ed:

23 MR. WENK: Mr. Chairman. You mentioned this  
23 viscosity in decision making by the Exxon representative.  
25 We've heard that from a number of people here dealing

1 with MAC at Homer, but we've heard it elsewhere too. Let  
2 me just postulate a what if. Suppose the chairman of MAC  
3 finally says we can't tolerate this any longer. We've  
4 got to somehow or another get Exxon to do a better job  
5 with their chain of command. My question is, who does he  
6 go to to complain? Who does that person go to to  
7 complain? And finally, who if anybody, can go to a high  
8 enough level in Exxon to complain to get corrective  
9 action? In other words, is this a hopeless situation, or  
10 is it one which can be remedied by.....

11 MR. LENTFER: It can't be remedied by edict, it  
12 would as I see it, a matter of suggesting once again to  
13 Exxon that they have somebody at a higher level at the  
14 table.

15 MR. WENK: But, this means a decision higher up to  
16 do that. Who get's to who higher up in Exxon?

17 MR. LENTFER: Well, it's an example I think that  
18 perhaps one of our most recent MAC meetings, the chairman  
19 of the MAC committee suggested to the Exxon  
20 representative that it would be more affective if  
21 somebody from a higher level were at the table, and the  
22 Exxon representative responded by saying fine, I'll go  
23 back to my boss with that suggestion. And that's.....

24 MR. WENK: It should have been evident to the Exxon  
25 representative that he part of his anatomy was dragging.

1 This is the kind of thing though where someone somewhere  
2 along the line even as you say could not order this by  
3 edict. Nevertheless could reach someone at a higher  
4 level in Exxon. I'm not sure that they're completely  
5 immune to some kind of suggestings from outside even  
6 though they can't be mandated, and I'm just wondering if  
7 you had any idead what kind of chain of command could do  
8 this?

9 MR. LENTFER: Well, of course the other approach.  
10 You just call over and deal directly with the Exxon  
11 representative at the meeting. Depending perhaps, on his  
12 personality or his management style he might respond, or  
13 he might not. We have on two or three occassions had  
14 these higher level representatives. The meetings did go  
15 more smoothly, they could respond immediately. this is  
16 what we've been seeking to have occur again.

17 MR. WENK: Well, I...I guess what I'm wondering  
18 about though, is whether these chain of command in Exxon,  
19 and the levels represented is set by some higher level  
20 policy. It certainly is no accident that this same  
21 problem reoccurs time and time again. Everywhere we've  
22 gone we've heard the same thing.

23 MR. LENTFER: I don't have enough insight to repsond  
23 to that. I don't know.

25 MR. PARKER: Any other questions? Okay thanks a lot

1 Jack. We keep in close touch with North Pacific Rim.  
2 Whatever they can tell us on what's going on in the  
3 Chugach villages. We'll be going in there when they  
4 indicate that enough people have come back from spills,  
5 and what have you, to meet with.

6 MR. LENTFER: Thank you.

7 MR. PARKER: Okay let's see. Dave Vanderbrink.

8 MR. VANDERBRINK: My name is Dave Vanderbrink. I  
9 sat on a Homer Mac committee for fishing segment of the  
10 population, I guess is the way it's said. I'm probably  
11 unique there is one respect. I'm probably the only  
12 person who does not feel the pressure of someone else's  
13 knee on his neck. And therefore I am a little bit freer  
14 than I would be otherwise. I operate in somewhat of a  
15 vacuum. I have no agency to go to. I don't have a whole  
16 lot of time in on that committee. Because I came in to  
17 replace someone who had to go fishing. You've already  
18 spent a lot of time here, and it appears there are a lot  
19 more people who want to have something to say to you. I  
20 want to be as brief as possible. I think it's hopeless  
21 to believe that there will not be spills in the future.  
22 There have been a lot of them in the past, and there are  
23 certain to be spills in the future. I think one of the  
23 biggest problems that you have a chance of helping to  
25 solve is that the standards on the next spill for clean

1 up are better for the ones on this one. Because it is  
2 almost a certainty that if that is not addressed  
3 specifically. The condition that is out there right now,  
4 will be considered good enough by the next spiller. I  
5 think that's one of the most important things that we're  
6 faced with at this particular time. I also believe that  
7 the control of ships and their operators should be really  
8 severe and applied everywhere. Not just at Prince  
9 Williams Sound, but here, Cook Inlet, the Yukon River,  
10 wherever. One of the sad things that happened here was  
11 the way this community came together very strongly. When  
12 it was realized here that we were going to be impacted,  
13 and people went to great amounts of trouble to organize  
14 themselves in such a way that they could cope with this  
15 thing themselves. All of that effort went for nought.  
16 Because Exxon says no we don't need you. And that's...it  
17 is really a tragedy on top of a tragedy when that sort of  
18 an attitude is shot down out of hand. A little bit about  
19 the MAC committees interaction with Exxon here and the  
20 agencies and how it might be improved with the  
21 application of a little common scense. First I'd like to  
22 say that all the individuals on there that I have met, I  
23 have a high regard for. They are good people. Good  
23 intentions. And as I said before, every one of them is  
25 coping with a knee on his neck. Whether it is the Coast

1 Guard, or the DEC guy, or the next guy, I have a lot of  
2 admiration for people like Dave Young who got up here and  
3 told you what he did a little bit ago. At considerable  
4 hazard to himself I do believe. But when you see, and  
5 this has to do with little things. When you see possible  
6 movement forward delayed because somebody wants greywater  
7 ship back from Ushagat (ph) Island of all places. Where  
8 in the next month and a half, or two months, there'll be  
9 enough natural water dumped on that place to...I mean,  
10 you can't believe some of those things. Another one was  
11 the case where you can't...Exxon's people weren't able to  
12 leave fresh chain saw cuts. Two years and they wouldn't  
13 be fresh any more. And, what is the important thing?  
14 Whether there's a chainsaw cut out there, or you pick up  
15 the much... Those are just two, and they're small  
16 things, but I've watched them delay the process  
17 unnecessarily. I quite agree with anyone who says that  
18 Exxon is stonewalling it at every opportunity. They  
19 don't want to clean it up. They don't want to spend any  
20 more time on it than they absolutely have to. Those who  
21 have said it needs one boss. It needs one agency, one  
22 boss, one guy with the club, are absolutely right. To  
23 just sit in one meeting and watch these people sniff each  
23 other out like strange dogs and try to get the most out  
25 of the other, is absolutely...more than it's easy to

1 take. I'm also...I sit on a board of directors. For the  
2 city of Homer, I'm on a board of directors for the Cook  
3 Inlet Aquaculture Association who you heard about earlier  
4 may have a problem collecting resources to continue their  
5 enhancement program. I understand that some of the  
6 Chenik crop that is being taken by contract will go to  
7 Paint River. The Paint River project which the State did  
8 finally put dome money into. But that may be something  
9 that the Aquaculture will come back to you, or to the  
10 legislature, and the governor in the future in hope that  
11 we can at least keep going. I guess that's about all.  
12 Except that one of your members mentioned...saw the thing  
13 rats, the rats...I'm still having trouble catching up  
14 with acronyms over there. There's also scats. Which is  
15 the one you want to put first.

16 MR. SUND: Scat goes first, the rat figures out if  
17 they are there or not.

18 MR. VANDERBRINK: That does it for me I guess.

19 MR. PARKER: Thank you Dave. I'll take your first  
20 comment to heart that we sure don't want to let this  
21 establish a new base line for what's acceptable. That's  
22 the last thing we want to do. Any other questions? Ed.

23 MR. WENK: Just a quick one. Here we have another  
23 very informative and persuasive rerepresentative naming  
25 Exxon. My question is whether or not the Exxon member of



1 MAC was invited to attend this meeting, or whether he's  
2 in the audience. Was he invited here to attend? He was  
3 here earlier. Anybody from Exxon here now? You're going  
4 to speak. Okay thanks.

5 MR. PARKER: I think Ed, they were invited. The  
6 entire MAC committee was invited.

7 MR. SUND: Mr. Chairman, perhaps, in the future if  
8 they're invited we may want to take a look at our  
9 subpoenaing power that the legislature gave the committee  
10 to tell us a testimony that's not going to be forth  
11 coming voluntarily. That's for the benefit of the Exxon  
12 note taker.

13 MR. PARKER: Okay. Thanks a lot Dave. John  
14 Mickelson.

15 MR. MICKELSON: Hello.

16 MR. PARKER: You're from Soldovia?

17 MR. MICKELSON: Yes, sir. My name is John  
18 Mickelson.

19 MR. PARKER: Okay, Mickelson.

20 MS. WUNNICKE: How do you spell it?

21 MR. MICKELSON: M-I-C-K-E-L-S-O-N.

22 MR. PARKER: Okay. I had it spelled wrong.

23 MR. MICKELSON: I've been writing stuff down during  
24 this whole day, but there won't be time to go into it.  
25 So I'd...the spill over here has asked quite a lot of

1 questions whether he thinks it's an upper echelon policy  
2 with Exxon not to resspnd to the spill. It's going to  
3 be a real difficult thing to substantiate. But it has  
4 been obvious from the start they didn't have any appetite  
5 or desire to do a clean up.

6 We launched a volunteer effort here on April 9. On  
7 April 12, three of us flew to Cordova to find out what  
8 kind of homemade technology they had. Whatever. We  
9 didn't know anything. We were all dumb as posts. So  
10 three of us went there as emissaries from the MAC  
11 committee. And at that point it was clearly advisory.  
12 And a young lady from Cordova gave us a prediction of  
13 exactly what had transpired. Transpired here from the  
14 very first day Exxon arrived. Which would be that they  
15 would play some antics game with us whenever they...if we  
16 gave them a..., the MAC group. They could be very  
17 specific. We want one hundred and forty people on 'X'  
18 beach. The answer they gave back was a riddle. That was  
19 nonsensical. Had no value or any meaning at all. She  
20 predicted all that. And all of those predictions were  
21 proved out. They also...she also told us that NOAH was  
22 desiminating certain misinformation about oil not  
23 sinking, and all that kind of stuff. So many of us  
23 researched as much information that was available from  
25 the title draft cards they throw in. And they track

1       them around to find where the currents go. And that  
2       originalized C team was in contradiction with NOAH. NOAH  
3       would say the oil had stopped for some reason. There was  
4       an invisible fence at Gore Point. Noah wasn't going no  
5       where. We'll it was obvious to anybody with any  
6       imagination at all that the oil was getting entrained in  
7       the current and going someplace in that current chart  
8       that they had on the wall. So the planner from the IC  
9       team threw up his hands in despair and took a helicopter  
10      out and landed on the water because the Noah was doing  
11      their observation from six or seven thousand feet in a C-  
12      130. Five hundred miles an hour is pretty hard to see  
13      oil. He landed and reached down into this sheen, which  
14      they admitted there was some sheen going around. He  
15      reached down a foot below the water and grabbed handfuls  
16      of this oil and brought it back. And he told us that the  
17      oil was no longer at Gore Point, that it was half way  
18      from Kennedy entrance to Cape Douglas. That's pretty  
19      alarming how it got there since it don't sink. It's a  
20      puzzle to us. Anyway, I'd like to give you all that in  
21      writing at some other date. Let these other people  
22      speak. The part that is really crucial to me right now  
23      is the September 15 dead line for the beach clean up. We  
23      have the ability around here, and we've proven the  
25      ability in Soldovia, Homer, the fishing community to res-

1 pond to this oil spill. All of our efforts have been  
2 usurped and supplanted by Exxon. And it was diabolical,  
3 and it was premeditated. That's my opinion. Each spring  
4 when the Halibut season opens, within twenty four hours  
5 we launch a thousand boats. And they're out there  
6 fishing for twenty four hours. And they come back in.  
7 At this point the entire clean up effort is staged off of  
8 vessels. To my knowledge, unless it happened in the last  
9 week, there's no shore beach clean up camps. People go  
10 to the beach. But they're not living on the beach. As  
11 far as demobilizing, it's a matter of turning the key on  
12 on your boat, and coming home. And it's my understanding  
13 they are going to start the demobilization on August 15.  
14 They've already started this program at Soldovia. They  
15 have released all the office help and the warehouse  
16 people. So there won't be any more supplies going out.  
17 That was yesterday night. So if they begin demobilizing  
18 August 15, we're going to lose a valuable month of  
19 cleaning up.

20 I strongly urge you to try and get them to leave the  
21 clean up people out there year round. It'll be  
22 difficult, but they work in the north slope at eighty  
23 below zero. We drive our boats around here all year  
23 long. It's ridiculous, and it's just a tactic on their  
25 part to let the ocean take over.

1           That brings me back to NOAH, who...I like them  
2 people. Don't get me wrong, but they are funded by the  
3 Department of Commerce who gets quite a lot of money from  
4 the oil industry, and I don't think they want to get  
5 sideways to Exxon. So some of the information that they  
6 put out may or may not be factual. And it's NOAH's  
7 contention to go out there and tromp around on the  
8 beaches, will do more ecological and enviornmental damage  
9 to the beaches than if we just leave it. I just believe  
10 that. There's enough oil penetrated in those beaches out  
11 there, that in order for restoration to begin, it has to  
12 be removed. Natural organisms that live ther can't  
13 combat oil in those concentrations. Just from the basic  
14 asphaltic properties let alone the Benzene, and the  
15 Literin fractions that are still contained in it. The  
16 State of Washington has a standard for clean up of  
17 beaches. And that's fifteen parts per million. And no  
18 visible sheen. We have to go out and reestablish a  
19 criteria of a clean beach. We could easily adopt that  
20 right now. That's all the time I'm taking.

21           MR. PARKER: Whatever you are over in Soldovia,  
22 you're not dumb as posts as you first indicated. You've  
23 obviously been on a very fast learning curve. And any  
23 questions?

25           MS. WUNNICKE: Just to urge you, to send us in writ-

1 ing some further comments Mr. Mickelson.

2 MR. MICKELSON: I wrote here, the rest I'll address  
3 in writing to you by the end of next week, hopefully  
4 substantiated with appropriate documentation.

5 MS. WUNNICKE: Do you have our address?

6 MR. MICKELSON: I don't have an address. I would  
7 hope that it doesn't get lost on a desk. I can send it  
8 to you each singularly, in a timely fashion.

9 MS. WUNNICKE: The most efficient way would be to  
10 send it...talk to Mariyln . She'll give you the address.

11 MR. PARKER: But, we will get back with NOAH. We've  
12 had one round with them. And I was pretty mad when I saw  
13 the first NOAH representatives on T.V. They seemed to  
14 take a ho hum attitude toward it right off from the third  
15 day on. So. Mike O'Meara. Well, Mike. Here we are  
16 twenty years down the pike and still in public hearings  
17 all day.

18 MR. O'MEARA: Some things never change. Well Mr.  
19 Chairman and Commissioners, thank you for being here.  
20 The Chairman knows me obviously. It doesn't seem like  
21 twenty years ago. The pipeline hearings. When we all  
22 talked about the things that might happen if we put a  
23 VLCC terminal in Prince Williams Sound. It don't seem so  
23 far away now either. I live about fourteen miles out of  
25 town here in Homer, on a homestead. Everything seems

1 very normal up there. It is kind of a strange experience  
2 to come on back down into town and mix in with all of  
3 this stuff that's so abnormal. For about nine weeks,  
4 between the end of April, through the end of last month.  
5 I worked as coordinator for the Bratt Museum. For their  
6 oil spill exhibit. It's kind of an interesting  
7 experience. Really in a lot of ways a very depressing  
8 experience. Initially, I seemed to live on the telephone  
9 talking to people in Valdez, and throughout the State who  
10 were actively involved on the scene. I did a lot of  
11 research into the scientific literature. And the history  
12 of oil spills in general throughout the world, sifting  
13 through hundreds and hundreds of photographs. I think the  
14 fact that I've lived here through this whole  
15 developmental period after Prudhoe Bay, and then had a  
16 chance to do the things I just discussed has given me a  
17 very broad view of this incident. I'm certainly not an  
18 expert or a specialist. But have had a chance to hear a  
19 lot of people and read a lot of things, see a lot of  
20 photographs. So I'd like to address some of those  
21 general things. First of all, one of the things that has  
22 impressed me is that from the very beginning, and this  
23 isn't news to anyone. The spill has been totally out of  
23 control, totally. It remains totally out of control  
25 today. I found in reviewing literature however, that it

1 isn't that different from any other major oil spill.  
2 Confusion and inadequate response are tipical. They're  
3 the norm in responding to oil spills no matter where they  
4 occur. And contrary to what the industry might lead you  
5 to believe. And, you probably all know this. Huge  
6 spills will occur with great regularity throughout the  
7 world. I might just review a few of them, and this is  
8 only a small sample. The Tory Canyon, 36 million  
9 gallons. The Othello, 30 million gallons. The Argo  
10 Merchant, 7.5 million. The Amakocadez (ph), 65 million.  
11 The Burma Aget, 10.5 million. The Atlantic Empress  
12 Tobago collision, 43 million. The Nova, 21 million.  
13 Finally the grand daddy of them all, the Extok 1 platform  
14 off Mexico, 140 million gallons. I have to say that  
15 after giving this whole issue a good deal of study, that  
16 it's my conviction that the primary responsibility for  
17 the Exxon Valdez spill lies with the State and Federal  
18 Governments. Not with Exxon, not with Alyeska. Alyeska  
19 and Exxon are corporations that are designed to produce  
20 revenue. The greatest amount of revenue with the least  
21 expenditure. That's their job and the only purpose for  
22 existing. On the contrary, or at least theoretically,  
23 our governments are here to look after the public  
23 interests to protect the public. Typically, and this  
25 isn't only with our government, but throughout the world.



1 There is lack of oversight of the industry. It's  
2 minimal. Typically, penalties for violations of spills  
3 are low. Five thousand dollars for a spill of this  
4 magnitude. That figure was mentioned by the Coast Guard  
5 earlier. Typically, liability limits are applied. What  
6 are the implications? A few things seem very clear.  
7 One, VLCC and ULCC spills can not be cleaned, they cannot  
8 be contained. Humanity is totally incapable of dealing  
9 with them. They are too large. As an example, it's  
10 estimated that 261,086 barrels spill from the Exxon  
11 Valdez. They were ver lucky. They had three days of  
12 beautiful weather to work on this. Had they had 18  
13 Bidibubski (ph) class skimmers, they might have cleaned  
14 it up in that time. Had those skimmers functioned  
15 flawlessly for twenty four hours a day. If Alyeska and  
16 Exxon had had two hundred ninety seven skimmers of the  
17 type they had on sight, they might have cleaned up the  
18 oil in three days. Secondly oil development, oil  
19 exploration, oil shipment is truly incompatible in  
20 certain areas. It's time that our society matured enough  
21 to realize that it should be excluded in some cases. It  
22 should simply not be allowed in certain areas. I'm not  
23 saying that it should be excluded from everywhere.  
23 Third, it's obvious there needs to be far better  
25 oversight, much more strengent regulation, and unlimited

1 liability with the potential to do the kinds of harm that  
2 is inherent in the oil industry. Fourth, control of  
3 spill response. That means authority. That means being  
4 in the drivers seat. Must be either a joint federal  
5 responsible, or through their authority granted to a  
6 third party that has no relationship whatsoever to the  
7 oil industry, or the spiller. Allowing the spiller to  
8 have authority is ludicrous. I'll go on. In our State  
9 we do have a problem with respect to the amount of  
10 influence the industry has exerted on the legislature. I  
11 won't make my list of names that I could, of the people  
12 who have excepted enormous contributions from the oil  
13 industry, and who have openly made decisions that oppose  
14 the public good. If there's in some way to reduce what  
15 these people can accept, I think perhaps we can at least  
16 ask that they wear a sign around their neck when they are  
17 in their public capacities that has the letters crude  
18 lettered on it, so that we'll know where we stand. So  
19 what do we do? That's what you're trying to find out.  
20 I'm sure glad you're here. One thing you're going to  
21 have to do is lobby the Federal government, or you're  
22 going to have to recommend that to the State. Governor  
23 Cooper says he can't do anything to control tanker  
24 traffic that that's a federal matter. Well, I think he  
25 can do a few things. But to a degree he's right. You're

1 going to have to lobby them. And you're going to have to  
2 emphasize tanker regulations. I concur with Mr. Smith  
3 and some of the others that spoke today, that we're in  
4 great jeopardy here. The traffic in the Inlet is  
5 extremely dangerous to us. It has been for years. I for  
6 one have attempted to point that out to the State for  
7 many years. And, I'm sorry to say that largely we have  
8 met resistance, disinterest. So I would like to see as  
9 soon as possible that you folks recommend. As soon as  
10 you can get it together, and I've made some suggestions  
11 in my written comments. As to what kinds regulations  
12 should be imposed that they be imposed right away. Not  
13 in January. I think they're, the U.S. Government needs  
14 to look at tanker traffic throughout the whole country.  
15 I feel strongly about Alaska, but I'm sure the people off  
16 of Washington feel strongly about their waters. And the  
17 people off New Jersey feel strongly about theirs, in  
18 Florida, and Texas. I think it's important to look at  
19 size limits for tankers. Since we can't clean up after a  
20 VLCC or a ULCC I don't think we should allow those  
21 vehicles to move through our waters. I think the fleet  
22 should be scrapped. I think we should determine how much  
23 of an effort we're willing to make in terms of investing  
23 in clean up technology, and equipment, and training. And  
25 then scale the tankers to that. In other words, if it's

1 practical and feasible for us to clean up a fifty  
2 thousand gallon spill, then that's as large a tanker than  
3 we should allow in the waters that are equipped with  
4 personnel and equipment to clean up that kind of a spill.  
5 In other words, those two things should go hand in hand.  
6 So when you lobby, when the State lobbies the Federal  
7 Government, I think that should be part of it. There is,  
8 as you are well aware, legislation before the confress at  
9 this time. Some of the ideas contained in it seem to be  
10 good. Others are not so good, and there are many limits.  
11 For instance they deal primarily with Prince Williams  
12 Sound. This is totally inadequate, totally out of line.  
13 So what can the State do specifically. DEC can address  
14 some regulations. Emergency regulations and permanant  
15 regulations on tanker taraffic. So I would recommend  
16 that to the greatest degree possible that be done in  
17 conjunction with lobbying with the Federal Government to  
18 do the same. I would very much like to see that the  
19 State's leasing program, oil and gas leasing program be  
20 kept on hold. Until all oil and hazardous substance  
21 response mechaniss are in place. Now there were eleven  
22 bills I believe passed out of the legislature to deal  
23 with that, or related topics including the one that  
23 established this connection. And I've addressed the  
25 specific points that I would like to see covered in my

1 written information. So I won't go into it in detail  
2 here. But I would say no more oil leasing until those  
3 things are all in place and functional to protect us. I  
4 would like to see the State and the legislature persue  
5 the reforms that we started to persue during the first  
6 half of the session. There's a lot left that needs to be  
7 done. There's a lot left to be addressed, and we made a  
8 good start, but it is just a start. It's just a  
9 beginning. We have thirty years of giving an industry  
10 cart blanche to recover from. We need to go back and  
11 redress some of the problems. I noticed that the State  
12 has been advertising for tourists outside and explaining  
13 that the State isn't totally oiled. I'm glad to see  
14 that. I'm a little disappointed in the apparent  
15 downplaying of the spill. I would rather see that the  
16 State be more strait forward in its presentation of the  
17 facts. So that people know yes indeed we were very very  
18 badly hurt, not destroyed though. And it's still a very  
19 wonderful place to visit. Maybe a very interesting place  
20 to visit. Come and see what the oil spill did. Come and  
21 see what a good job Exxon did in cleaning up. I think  
22 finally it is important that the State make a decision  
23 now to usurp control over its dealings with the oil  
23 industry. For years and years and years, the State has  
25 seemed to feel or take the position that the oil industry

1 might go away if we made any demands on it. That's  
2 ludicrous. The oil is here. It is incredibly valuable.  
3 It belongs to you, and it belongs to me, and it belongs  
4 to those people out there. It doesn't belong to Lou  
5 Rawls. If he wants it he should pay the price. And in  
6 terms of what Mr. Gillman seems to feel, I would say  
7 this. Any business, I don't care whether it's oil or  
8 anything else, any business that cannot function in a  
9 socially exceptable or enviornmentally exceptable manner  
10 doesn't have any reason to exist. No one here should  
11 miss it. I think it's ver important that we give a  
12 message to the oil industry. And that is yes, we're  
13 still willing to do business with you. But the business  
14 will no longer be prostitution. That's all I have for  
15 now, except I would like to make mention about one thing  
16 that was brought up earlier. And that is this business  
17 about public information. I but my head up against that  
18 a lot. One thing I noticed. It was very hard to get  
19 information first of all when we started gathering it for  
20 the exhibit. And largely, that was because everybody had  
21 to check with their litigation team. They didn't know  
22 whether this was going to be evidence, if they ought to  
23 say anything or not. It was a really comical situation.  
23 But untimately one thing I found, is I called around to  
25 the various main offices, for agencies. And this was

1 true of State and Federal Agencies. I constantly  
2 referred to people in the field. And I thought well, I  
3 think they have their hands full. So I would call them,  
4 and I guess they'd almost break down crying. Because  
5 they had two phones in their hand's and a couple of fax  
6 machines going, and they had forty people back here  
7 asking them questions and poking them with a stick, and  
8 they were trying to get on an airplane and make an  
9 overflight. And I thought, no this isn't right. And in  
10 terms of our own people here in Homer, I'd come down and  
11 I'd see some poor guy with his eyes propped open with  
12 tooth picks trying to answer my general question when  
13 he's trying to put out fires. I think the State really  
14 needs to look at setting up an information system that  
15 will free their field people to do their work. And that  
16 would be helpful for everybody I think. I want to thank  
17 you again. I can honestly say this was one of the first  
18 times since I've lived in Alaska that I felt like the  
19 State is on my side. Thank you.

20 MR. PARKER: Thank you Mike. It's nice to hear that  
21 you're still so well prepared, and well organized and as  
22 well spoken as you were twenty years ago. I think,  
23 looking at the symptom you brought up the Cook Inlet  
24 traffic, and the best symptom of the great apathy that  
25 existed prior to Exxon Valdez is that Glacier Bay came

1 and went without a wimper in Juneau. I tried to raise a  
2 little effort. Some of those were farthest out in front,  
3 now didn't return my phone calls because they think,  
4 what's this tired old hag calling us about. He doesn't  
5 mean anything anymore so we won't return his phone calls.  
6 And that is the way things were. Hopefully it's not the  
7 way things are now. Any questions?

8 MR. SUND: When we first started Valdez, everybody  
9 who came to the table brought their lawyer with them.  
10 And we made such a joke about and they haven't come back,  
11 and they haven't brought their lawyers back yet either.  
12 I haven't seen Exxon since then.

13 MS. HAYES: This is a general comment more addressed  
14 to the audience than it is to you personally, but several  
15 people have testified today with things that the  
16 Commission should do to lobby and to change things, and  
17 we think that our job is to identify and make  
18 recommendations about, as someone on the panel said, to  
19 change the future so it's better. But we're not going to  
20 do it by ourselves. We're going to be out of business  
21 with due regard to Mr. Young, and Larry Smith and people,  
22 we're going to be out of business by February 15 by  
23 statute. And that's one reason we're making a real  
23 effort to come to the communities involved. We don't  
25 want complacency to set in again. The people that are



1 the affected public. And so, more than us lobbying, it's  
2 gonna be you guys that have to lobby. And I think that's  
3 real important to keep in mind.

4 MR. O'MEARA: I might say that when I suggest the  
5 need for lobbying, I'm referring that you suggest to the  
6 State that it join us officially in this stance. And in  
7 other words, so it isn't just the people, but it's also  
8 their Government that wants these things.

9 MR. PARKER: Ben Levine.

10 MR. LEVINE: Good afternoon. I'd like to thank you  
11 for allowing me to testify this afternoon. My name is  
12 Ben Levine, and until Thursday morning I was working on a  
13 beach clean up crew in Tonseena(ph) Bay, a place known as  
14 Grim Beach. The reason I came back to town is because I  
15 quit. I quit because I wanted to tell people that there  
16 is essentially no beach clean up going on that I saw.  
17 I've worked at Port Dick. And I've worked in Gore Point.  
18 And now in Tonseena (ph), and essentially we are just  
19 going over it very cursely, so that a beach can be ticked  
20 off, and put on the list. There is still a lot of oil  
21 out there, and my fear was that it going to remain there.  
22 The steam clean up system will work. Well, actually,  
23 it's not steam clean up, it's hot water and low pressure.  
23 It does lift the oil up. It will flood down to the tide  
25 line. We can pick it up with skimmers. We don't have a

1 skimmer that works. I don't know why we don't have a  
2 skimmer that works. I haven't seen a skimmer. We're  
3 picking up the oil from the water with diapers as their  
4 called. Oil obsorbant pads, or cocktail napkins, if you  
5 prefer. It is equivalent to that. The work is very  
6 hard, it is very dirty, and above all it's frustrating  
7 because we know we are not giving it our best shot. We  
8 know we could give it a much better shot than we are  
9 being allowed to do. I have been...I have witnessed as  
10 Exxon official put his foot on a rock that a fellow  
11 worker was going to turn over to get oil underneath, and  
12 tell him not to turn the rock. I have been told by an  
13 Exxon official that the substance on the beach was not  
14 oil, that it was biodegradable, and that in three years  
15 it will be fertilizer. This kind of treatment of people  
16 who actually care about our enviornment and are trying to  
17 clean this up breaks their morral. It breaks their  
18 minds, and it breaks their hearts. I've seen people  
19 sitting down, with their head in their hands and actually  
20 crying. We spend six days on Grim Beach. In a  
21 production mode. We're going for linear feed here,  
22 gentlemen, ladies. We're seeing how much ground we can  
23 cover, not how much oil we are picking up. I think the  
23 thing that broke me was on Thursday morning when I was  
25 informed by my foreman, who was informed by his supervi-

1 sor, who was informed by Exxon, that we were now done  
2 with Grim Beach. And we're being moved to another beach  
3 around the corner. I turned around and slipped in some  
4 oil, and nearly broke my ankle. I think in terms of the  
5 best way to deal with the prevention of this tragedy inn  
6 the future is to get rid of the oil companies. To shut  
7 down the pipeline, and stop Prudhoe Bay. I think with  
8 any amount of effort on our part, we ought to be able to  
9 give that a good shot, or at least put a scare enough  
10 into the oil companies to make them realize we are not  
11 going to put up with it any more. I think the poeple of  
12 this State have a real problem on their hands. In that  
13 they are junkies. They're junkies for oil money. They  
14 are physically, and psychologically addicted to oil  
15 money. They can't imagine life. They cannot imagine  
16 life without oil money, just like a heroine addict. And  
17 I was not here before the pipeline. I'm a new comer.  
18 I've been here only ten years. But I can imagine life  
19 without oil money. I can imagine what it was like in  
20 this State before the pipeline, and I would like to see  
21 it that way again. Thank you.

22 MR. PARKER: Thank you. Contrary to some  
23 advertising life was very nice in this State. Extremely  
23 nice. One of the great places on earth to live.

25 MR. LEVINE: I heard that too.

1 MR. PARKER: Comments? Mei Mei Evans.

2 MS. EVANS: Thank you. My name is Mei Mei Evans.  
3 I'm a local resident. And from April 16, until  
4 yesterday, I worked to dessiminate public information on  
5 the lower Cook Inlet. When the leading edge of the Exxon  
6 Valdez Oil Spill first began to imperil the shoreline of  
7 the Outer Kenai Peninsula, public affairs officials from  
8 the Exxon Corporation held a town meeting in Homer. At  
9 that time, Wylie Bragg, the first of in a succession of  
10 second string Exxon PR folks met the hurt and outrage of  
11 a host of Katchmak Bay residents. The comments that  
12 approximated following. We don't understand why you're  
13 so upset. We told you we'd pay for everything. Well,  
14 Exxon all but owns Homer now, and the citizens of the  
15 impacted communities are experiencing the ironies and  
16 obserdities of an ecological disaster translated into a  
17 growth industry. While Exxon continues to play games of  
18 rederik and posturing with federal, state, and local  
19 representatives, the oil continues to contaminate our  
20 shoreline and to shut down our fisheries. As recently as  
21 yesterday afternoon, Exxon's latest public relations  
22 representative demonstrated that corporations continuing  
23 insensitivity when he cheerfully observed to the Homer  
23 multi-agency advisory committee, that only two percent of  
25 the total Alaskan coastline had been affected by this

1 spill. There's a fundamental moral contradiction  
2 inherent in this situation. And that contradiction  
3 continues to abrade local residents everyday. The  
4 spiller was given control of the restoration. As to this  
5 day, one hundred and fourteen after the tanker went  
6 aground. Exxon continues to call the shots in the clean  
7 up process. When have we ever before allowed the  
8 perpetrator of the crime to determine the course of the  
9 rehabilitation? Do you put the arsonist in charge of  
10 extinguishing the fire? Or the rapist in charge of  
11 rendering aid to the victim? The public's reaction to  
12 Exxon not only in Alaska, but nation wide. The mistrust,  
13 indignation, anger and even contempt of corporate  
14 arrogance have been widely documented. What has not been  
15 so well documented perhaps is the disappointment and  
16 frustration that Alaskan's feel at their State  
17 government's failure to act in meaningful and timely ways  
18 in response to this disaster. The focus of the so called  
19 cleanup of the Exxon Valdez spill, it seems to me,  
20 continues to rest on rendering the impacted shoreline  
21 visibly clean. after the oil gushed forth from the  
22 tanker, and once it had spread throughout Prince Williams  
23 Sound, at best it was only ever possible then to recover  
23 a very small percentage. I wonder where Exxon and all  
25 the other agencies think the contaminates are going to

1 go? Out of sight out of mind? It's time for industry,  
2 government, and individuals everywhere to acknowledge  
3 that the land and the oceans are intricately  
4 interrelated. We must become accountable to this realm  
5 and all of its living inhabitants. No one part of this  
6 planet is unconnected to any other. The impact on the  
7 residents and the resources of this spill impacted  
8 communities is measurable in many cases. And the  
9 statistics are horrifying. But, it is the... as yet  
10 immeasurable consequences that frighten me the most.  
11 Thank you.

12 MR. PARKER: Thank you Mei Mei. The best answer to  
13 those Exxon officials. He used the two percent argument,  
14 is to ask them how they would feel if their doctor told  
15 them that two percent of their body cells were cancerous.  
16 any other questions?

17 MS. WUNNICKE: Only to add that the alaska coastline  
18 is as much as the combined coast line of all the rest of  
19 the Unites states.

20 MS. EVANS: I understand that the area impacted is  
21 the equivalent to the total coast line to the State of  
22 California. Thank you.

23 MR. PARKER: Thank you. James Paine.

23 MR. PAINE: I've been doing oil spill research up  
25 here in Alaska for the last ten years. And a lot of the

1 things that have been said today are difficult to  
2 address, because we don't have sound answers in a lot of  
3 areas. This morning I wanted to ask a question of the  
4 Admiral of the Coast Guard, and that was if the spill  
5 clean up is going to be stopped in September because  
6 Exxon says that it is too hazardous, or they can't work  
7 on the area, and my question is, what would they have  
8 done if the spill had occurred on September 16, or  
9 October 1st, or in the fall? Would they have let it go  
10 until the following spring until it was safe enough to go  
11 out there? A number of people have talked today about  
12 how difficult it is to clean up the oil and how various  
13 technologies have failed, how Exxon failed, how the  
14 skimmers failed, it was pointed out articulately earlier  
15 that if Exxon and Alyeska had two hundred and sixteen  
16 skimmers of one type, or forty five skimmers of another  
17 type, that may be over a three day period could have  
18 cleaned it up. The fact is they didn't have that. They  
19 do not have barges or other adequate facilities to off  
20 load vessels. And if fact, that's probably not a  
21 practical thing to do in rough seas, or close to reefs  
22 where one vessel has already run aground. At least not  
23 in a real quick manner. A lot of the work that we have  
23 done over the last ten years has looked at the chemical  
25 and physical changes which occur to oil. Based on those

1 studies we have quantifiable ways of predicting what its  
2 viscocity is going to become. How dense it is going to  
3 get. What its interfacial surface tension is going to  
4 become. And we had the opportunity to go out after this  
5 spill, and actually do some validation. Some field  
6 validation experiments on those predictions.  
7 Unfortunately, I am here to report that we were very  
8 accurate. Within five percent of what we predicted the  
9 oil composition would be. What we predicted its  
10 viscocity and interfacial surface tension and density  
11 would be. That is all very well and good. These models  
12 and these experiments were done to allow some sort of  
13 predictive capabilities so that people would have a  
14 better handle on how to deal with the oil spill if it  
15 should occur. And we predict a little bit about  
16 toxidity. The problem is, with a spill this big, and  
17 even in smaller spills there aren't any mechanisms to  
18 adequately deal with it. Now you have a very severe  
19 beach contamination problem which is going to persist  
20 for, depending on the beach , anywhere from five to ten  
21 or twelve years. We know that time frame based on  
22 abservations from other spills, AMOCO Kadiz (ph), the  
23 Extock blow out, etc. Alaska is unique in that it has a  
23 variety of intertidal substraits , and there are certain  
25 areas in Prince Williams Sound where the oil came ashore,



1 and rocky headlands or whatever, where the oil is already  
2 washing off the rocks quite readily. There are other  
3 areas, the Cobble Beaches, where it has been documented  
4 to be at great depth in the Cobble Beach, and it is going  
5 to take a long time before it gets cleaned up. This  
6 brings up the issue though of what can be done. And  
7 that's what I think the Commission really wants to  
8 address, and the point that I'd like to make here. And  
9 that is, is there anything you can do to affectively go  
10 after that oil right after it's released. The issue of  
11 dispersant use in the United States waters has been a  
12 very controversial one for years and years. And this  
13 mostly stems back to 1967 when dispersants were used in  
14 the Tory Canyon incident off of England. At that time,  
15 the dispersants were aeromatic hydrocarbon based  
16 materials, and they turned out to be as toxic as the oil.  
17 Basically from that bad experience, the policy was set  
18 forth by EPA and everyone else, that thou shalt not use  
19 dispersants in U.S. waters. Four years ago, in response  
20 to requests from EPA, Coast Guard, Minerals Management  
21 Service, and a couple of other Government Agencies. A  
22 committee was formed by the National Academy of Sciences  
23 to evaluate dispersant use in U.S. waters. I was a  
23 member of that committee. Spent three years in  
25 deliberations, and meetings, and writing. And the bottom

1 line response of that commission was that with new  
2 generation dispersants that are not as toxic as the ones  
3 that were used in the Tory Conyon incident. And  
4 literally thousands of papers on dispersant toxicity, and  
5 oil toxicity, and dispersant effectiveness, and this type  
6 of thing, was that the response...the opinion of the  
7 community was that dispersants should be at least  
8 considered in the front line of offense in the battle  
9 against oil spills. There is evidence that...well the  
10 three questions that the committee tried to address is  
11 one, do they do any good. And under certain conditions  
12 if applied correctly, and the emphasis here is on  
13 applied. Application is critical. They can do some  
14 good. Two, do they do any harm? Most of the scientific  
15 evidence that has now come to light, suggests the of  
16 themselves dispersants do not cause any harm. The  
17 toxicity that is associated with oil dispersant mixtures  
18 is primarily related with the oil. We all know by now  
19 that oil is toxic. The proposition of whether or not  
20 dispersants should be used has to be addressed far in  
21 advance of an oil spill. Dispersants are only effective  
22 if they are applied within two or three days. And in  
23 this particular incidence with the Exxon Valdez, the  
23 conditions were absolutely perfect for dispersant  
25 application. A number of people have suggested that

1 well, no there wasn't enough wind energy. there wasn't  
2 enough wave energy to break up the slick. That, in fact,  
3 is not the case. Dispersants don't work that way.  
4 Dispersants are best applied when there is very little  
5 wind, so you get very little drift and you can get the  
6 dispersant on the oil. From people that I've talked to  
7 that did overflights within two days of the spill, they  
8 said it was almost a homogenous covering. Covering  
9 eighteen square miles or something. Under these  
10 conditions dispersants could have been readily applied  
11 had they been available. The best formulations for  
12 dispersant use are about one part dispersant to twenty  
13 parts oil. Which for an eleven million gallon spill, or  
14 a ten million gallon spill translated to about five  
15 hundred thousand gallons of dispersant. I've heard  
16 comment that there's probably only forty thousand  
17 gallons available at that time. It's also a fact that  
18 that would not have been enough to treat the entire  
19 spill. And it would have been feudal to try to go out  
20 and treat part of it, and not treat all of it. No one  
21 would have been able to tell that you've done anything.  
22 However, dispersant treated oil has been shown to be less  
23 sticky. When it does impact a beach after treatment, it  
23 has been documented in spill in the Arctic, and subarctic  
25 waters and in tropical waters that the long term impact

1 on the beach with dispersant treated oil than it is with  
2 non-treated oil. there can be a greater short term acute  
3 toxidity. But the long term chronic impact is  
4 significantly reduced by as much as a factor of three or  
5 four. I strong recommend to the committee that you get a  
6 copy of the National Academy of Sciences report, and that  
7 you consider it, because the alternatives are to do  
8 basically nothing, or to try to clean it up mechanically  
9 in a large spill event like this. You've seen in space  
10 that that just doesn't work. I recognize and having  
11 lived here in the homer area and over in Soldovia for a  
12 number of years that dispersant topics are a hot one in  
13 this neck of the woods as well. And everyone says we  
14 don't want the oil in the water. Well, the fact is right  
15 now, you've got two demensional problem when you've got  
16 the oil on the water's surface, and as long as it impacts  
17 the shoreline or anything that goes through that air sea  
18 interface, your marine mammals, your birds, and otters  
19 and whatever. You're going to have problems and  
20 ultimately it's going to end up on the beach. I did a  
21 small calculation to figure out how much oil you would  
22 get in the water column assuming you could disperse it  
23 all. And, to take a very conservative approach, if you  
23 measure the distance from Valdez to the Homer anchor  
25 point area, turns out to be about four hundred kilo-

1 meters. If you assume, and we know the oil went much  
2 much further. But if you assume that it only went as far  
3 as two hundred kilometers off shore, and that the average  
4 depth in that rectangular area is about a thousand  
5 meters, and calculate the number of gallons of water in  
6 that region, it turns out to be about  $2 \times 10^{16}$  gallons.  
7 Exxon spilled eleven million gallons. If you could, and  
8 you can't, but if you could disperse all of that oil into  
9 the water column, the concentration of oil in the water  
10 would be  $5 \times 10^{-10}$ . That is a half a part per billion.  
11 Well it's not a thousand meters deep. I don't care, pick  
12 another number. We know it's deeper than that. If you  
13 pick a hundred meters, we know it's deeper than that,  
14 then the concentration of oil in the water would be 5  
15 parts per billion. Not a half a part per billion. So,  
16 and we also know that a lot of the oil still ended up on  
17 the shore line, and probably twenty percent evaporated.  
18 But at the half a part per billion, or even 1 to 10 part  
19 per billion levels, the acute impact of the oil in the  
20 water column is going to be much less, and much shorter  
21 lived than what you're dealing with now. Which is oil  
22 all up and down the coastline. And continued impact of  
23 subsistence use. On your salmon streams. And on  
23 anything that goes through the air sea interface, and it  
25 is going to be a problem you're going to have to deal

1 with for five or ten years. And it's not just an out of  
2 sight, out of mind position. It's a mechanism with which  
3 to treat an oil spill. All the other ones the people are  
4 considering don't work. Finally, with regard to the Ex-  
5 stock, one blow out that was mentioned earlier, that did  
6 run at about thirty thousand barrels a day. That was a  
7 sub surface release. Now there are completely different  
8 species down there in those waters. But it was very  
9 difficult to document any statistically significant long  
10 term enviornmental impact to fisheries, or to any water  
11 column organisms as a result of that spill. And again,  
12 most of the impact comes from the air sea interface, or  
13 beach contamination. And as far as sediment interactions  
14 in that spill there, and in the Amoco Kadiz (ph) spill,  
15 and several others, the concentration that people have  
16 measured are usually only in several hundred parts per  
17 million.

18 MR. PARKER: Thank you very much, our absent  
19 Commissioner Mike Hurst was on that same committee, and  
20 has provided us with copies of the document. The  
21 argument that was advanced by Exxon, and as far as I know  
22 supported by NOAH, that the wave action was necessary for  
23 effective dispersant use. Is that accepted anywhere  
23 among the independent dispersant community.

25 MR. PAINE: Oh, you absolutely have to have wave to

1 have the dispersant ultimately work. But what you want  
2 you want to do is apply dispersant when you have very  
3 little wind, or very little wave action. The dispersant  
4 will lay out on the oil surface, and mix in with the oil  
5 just naturally. Just by the fact that it's coming down  
6 just like rain drops penetrate through the oil. You  
7 won't see any dramatic impact until you introduce  
8 turbulent energy. And that may be one of the reasons why  
9 people didn't want to use it. You could spray dispersant  
10 all over that oil the first two days and you wouldn't  
11 have see any change. And people would have stepped back  
12 and said, see it didn't work. But as soon as you  
13 introduce wave energy after that, due to the winds  
14 kicking up, that interfacial surface tension would have  
15 been lowered to about five or six times per centimeter,  
16 which is low enough, such then it takes very little  
17 energy to start dispersing the oil. And the question you  
18 have to address, is whether or not you want to handle the  
19 concerns of people saying we don't want the oil in the  
20 water column. Well, it's either going to be in the  
21 water column or on the beach. You can't clean it up.  
22 You know that now.

23 MS. WUNNICKE: So, what you're saying Jim, is that  
23 in your opinion that the conditions were perfect for the  
25 use of dispersants if there had been sufficient or any...

1           MR. PAINE: In my opinion, yes. Based on all the  
2 stuff that I've reviewed or read, and serving on that  
3 committee. I'm not speaking for that committee, I'm  
4 speaking for myself. But in my opinion the conditions  
5 were absolutely perfect. Because I've been a chief  
6 scientist involved in some other spills trying to do  
7 dispersant research at spills of opportunity. And  
8 usually the wind blows the slick, and it starts to streak  
9 out in streamers, or contrary to what you read in the  
10 literature, the oil will go at ninety degrees to the way  
11 the wind blows. And that's one of the reasons why  
12 trajectory models aren't very accurate. Because it's  
13 controlled by a combination of current and wind affects.  
14 And if you get langmuir circulation set up, or rips set  
15 up, the oil will tend to concentrate in those regardless  
16 to what the wind is doing. So if you're trying to apply  
17 dispersant from the air, which is the only way to do it  
18 in these kinds of considerations, the wind can really  
19 foul you up. The first two days, after this spill, when  
20 it was so calm, it would have been perfect to just go out  
21 there and just spray. If you'd had enough material to do  
22 it, and you could have gotten all the people to agree to  
23 do it. There were a couple of agencies that had pre  
23 authorized use and some other people. I've heard  
25 different stories on why it wasn't done.



1 MR. PARKER: Will you leave us an address or phone  
2 number where we could reach you if we...

3 MR. PAINE: Yeah, I can do that. I'll leave it over  
4 here at the table.

5 MR. PARKER: Larry Jones. I guess he left. Is  
6 there anyone else?

7 MR. TWIDWELL: My name is Bryson Twidwell. I'm an  
8 enviornmental engineer for DEC out of Kenai District  
9 Office.

10 MS. WUNNICKE: Can you spell your name?

11 MR. TWIDWELL: B-R-Y-S-O-N T-W-I-D-W-E-L-L. I've  
12 been on numerous oil spills. I've been on the Glacier  
13 Bay, and I've also been on this one from the begining. I  
14 was sent out to Vladez and booned off successfully  
15 Sawmill Bay, so we didn't have a successful venture  
16 there. Also was incharge of the State open water oil  
17 pickup from the Aurora. The Cordova fisherman's union  
18 that were helping us, and some contractors and we proved  
19 that we could pick up oil successfully, and we had  
20 minimal equipment compared to Exxon's. And it has been  
21 documented in our records that our daily oil pickup was  
22 substantially larger that Exxon's. We had a lot less  
23 equipment than they did. From the Aurora I was sent over  
23 here to be the head beach monitor. And I was out along  
25 the Southern Kenai Peninsula, monitering the beaches, and

1 the beach clean up from there. I saw the futility of  
2 what they were doing for picking. For picking up oil they  
3 were just picking up the surface oil. They weren't  
4 getting any of the sub surface. Even though that the  
5 sun, and the hydrolic action would lift the oil onto the  
6 surface of the beach, numerously repeatedly, and they'd  
7 have to keep coming back and pick up the oil. Well this  
8 started me submitting plans for secondary clean up. I  
9 couldn't understand why it wasn't being done. Because  
10 the other oil spills I worked on the oil was picked up in  
11 its entirety. The oiles beach, and even the oil that was  
12 in the sand and gravel. So I recommended several methods  
13 of...proven known methods of how to pick up the oil. I  
14 got to go in front of Vice-Admiral Robinson and submit my  
15 ideas, and they were received well and were listed in a  
16 paper I have here. There were seven ideas that were  
17 submitted, and three of them are mine. I also have a  
18 copy of the original submittals that I'd submitted. And  
19 of those, there was only a couple of them that were  
20 tested. And when they were tested they were reduced in  
21 their parameters of application so that they'd be  
22 inaffective. And I know for a fact from having observed  
23 Exxon supervisors testing by hand, the same principals of  
23 oil spill clean up. That they've worked. I have no  
25 doubt in my mind that these would work. Not only my re-

1 commendations have been put forward for secondary clean  
2 up, as far as actual test methods. There are other  
3 contractors that have. And these ideas are real good  
4 ideas and they would work. And basically the hold up  
5 has been on Exxon's side. So that was also a similar  
6 occurrence on the Glacier Bay spill. The State didn't  
7 have the power to enforce them to do the clean up. The  
8 State proved that we could do the clean up successfully  
9 with the Aurora. You give us a bunch of fisherman that  
10 are hot after it. They're going to clean it up. We've  
11 got a lot of experienced technical people in our agency  
12 that can help guide them, and to implement these  
13 different plans. I feel that we can, from our past  
14 history, we've proven that it is possible to pick it up.  
15 And with the State as being in the enforcement to where  
16 you could make them clean it, and then submit the spiller  
17 the bill later. Would be a lot more beneficial, and a  
18 lot more successful than what the previous spills have  
19 happened. Their mechanical clean up is out there that  
20 would work. I'll leave these ideas, and there's more  
21 that other folks have. so my main gripe is, yeah, we can  
22 clean it up mechanically, and there's way of doing it.  
23 And if the State had the power to do it. I know the  
23 legalities of it. The liabilities has been a problem.  
25 But, if we had the legislation to push through to where

1 we could do, or be in charge of the actual clean up, and  
2 have a hammer with it. Then I know we could do a lot  
3 better job than what's been done.

4 MR. PARKER: Meg.

5 MS. HAYES: I just am curious whether in your  
6 opinion the tests...the inability or the inaccuracy of the  
7 testing process was by incompetence or by design?

8 MR. TWIDWELL: Well, the principles of how to do  
9 secondary clean up have been proven that they work. So  
10 the hesitancy is on Exxon's part.

11 MR. PARKER: Okay, the legislation that was passed  
12 that creating the oil spill response corps, would seem  
13 to be a good basis to move forward with a lot of the  
14 ideas you've just advanced. They are certainly designed  
15 to train and use the fishermen or anybody else who can  
16 get out on the water in an affective fashion.

17 MR. TWIDWELL: They had really picked up and learned  
18 fast. Because they have the desire to keep their home  
19 clean. So even if the equipment was on hand. Just  
20 stored in the central areas of where there's possible  
21 spills in Valdez or Nikishka. You've got a tremendous  
22 fishing fleet there that can deploy in hours to get that  
23 out there.

23 MR. PARKER: Thank you very much, Bryson. I like to  
25 recognize Representative Nevar (ph) who came in while I

1 wasn't looking. Anyone else to testify?  
2 MR. JONES: The human brain can only absorb so many  
3 projections and designs of thought. Being a philosopher  
4 I gave you my testimony in written form which were  
5 letters to the Homer paper. So I would make a motion  
6 that you folks close shop and go and have something to  
7 eat, and relax. And we love you folks and thank you for  
8 coming.  
9 MR. PARKER: The Alaska Oil Spill Commission will  
10 adjourn.

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12 \* \* \* END OF DAY \* \* \*  
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