

**OLYMPIC COAST  
NATIONAL  
MARINE  
SANCTUARY  
ADVISORY  
COUNCIL**



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*U.S. Coast Guard*

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February 3, 2003

Linda Pilkey-Jarvis  
Spill Prevention/Preparedness  
And Response

Washington State Department of Ecology  
P.O. Box 47600, Olympia, WA 98504-7600

The Olympic Coast National Marine Sanctuary Advisory Council (SAC) would like to comment on the first draft portion of the Oil Spill Contingency Plan Rule. At the last meeting of the SAC, the members decided to provide your office with input on the draft language.

The SAC consists of nineteen (19) members from non-governmental interests, governmental organizations and Indian Tribes. The membership on the SAC is as follows: Non-governmental; Citizen-at-Large, Education, Research, Conservation/Environmental, Chamber of Commerce/Tourism/Recreation, Marine Business/Ports/Industry, and Commercial Fishing. The Governmental positions are: U.S. Department of Interior-Olympic National Park, U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Navy, Washington State Department of Ecology, Washington State Department of Natural Resources, Washington State Department of Fish And Wildlife and Local Government. The Hoh, Makah, and Quileute Tribes and the Quinault Indian Nation are also members of the SAC.

The SAC is committed to active support of the National Marine Sanctuary System in their mission to preserve and protect the unique resources found within the established national marine sanctuaries. The OCNMS SAC is supportive of education, resource protection and research activities and commercial endeavors that are compatible with the primary objectives as stated above. The SAC also

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acknowledges that policy actions must consider the impact on and uphold the treaty-protected rights of Indian Tribes.

The SAC has identified oil spills as posing one of the highest risks of all to the shared resources within the sanctuary and the health and well being of the communities on the coast. Most sites within the Sanctuary are remote and many of the resources, including marine mammals, marine birds, and kelp habitats are extremely vulnerable to damage and loss from oiling. In addition, the four tribal communities within the boundaries of the Sanctuary have essential cultural links with the living resources that go back for thousands of years. The Marine Sanctuary is located within the Usual and Accustomed Marine Hunting and Fishing Areas of the four coastal Treaty Tribes. The Tribes reliance on all marine resources in these areas is as important today as it will be in the future and as it has always been in the past. Oil spills may have devastating impacts upon the resources these tribes rely upon for economic and cultural health.

It is with these precepts in mind that the majority of SAC members offer comments on the first draft portion of the Oil Spill Contingency Plan Rule that the Washington State Department of Ecology is promulgating.

The purpose of testing the oil spill response is to determine if contingency plans have a high probability of responding quickly and effectively in a variety of situations and environments. It is not only to see if the components function, but also to see if the comprehensive plans will be very effective. Triennial review of components alone is not adequate. The SAC recommends a random sample of drills on various types of full plans on triennial timetable in addition to component drills. Variable types of surprise drills need to be included, from partial component drills to full plan drills. The goals of the drills should be to test the contractors in the areas where they will be operating. Testing individual components or even groups of components is different than testing a complete plan. Complete plans also need to be tested. The use of unannounced drills needs to be codified.

- The complete plan drills should be designed to assess whether or not the plan capabilities are realistic in terms of the ability to pick up oil, or of the adequacy of protection of alternative strategies, if pick up is not possible. For example, if mechanical removal is part of the plan, then full skimming and storage capability needs to be shown as available.
- It is a good thing to hold the primary response contractors (PRCs) responsible. However, being adequate in one geographic area or set of circumstances is not sufficient to show their adequacy in various other operating environments and greatly varying circumstances, including off our coast. They need to show their ability to meet the local requirements in each of the zones or reporting environments for which they are responsible. If PRCs are currently being held responsible for each zone where they are certified, that needs to be codified.

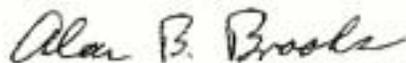
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- Washington Department of Ecology penalties to PRCs for a complete failure or repeated partial failures of their plans must be included in the contingency planning rules. If penalties are currently being used, such as decertification, then they need to be codified.
- Washington Department of Ecology needs to develop and require realistic scenarios and their assumptions for drills, so that the full or component capability of the plans and actual response can be adequately assessed. DOE does need to work with the stakeholders and Tribal Governments in developing drill criteria and elements, but the development of individual drills must be the responsibility of DOE, not of those being tested. Drills are tests and those being tested should not be part of creating their own tests.
- The Washington Department of Ecology needs to demonstrate how they know their drill program is working, based on the analysis and drilling of the plan holders and PRCs and their ability to successfully implement their plans. The SAC agrees that drills are surrogate for actual spill responses and we all hope that we will never have a major spill.
- Full and partial drills must be performed for potential spills and the zone requirements in areas along the outer coast. So far there have not been any drills, much less comprehensive drills, on the outer coast; this needs to happen. The Sanctuary's special status should be recognized in code by such a requirement for a drill at least every three years.
- Self-certified out-of-state drills should not be used to qualify a PRC in Washington State.

The Olympic Coast National Marine Sanctuary Advisory Council would like to thank the Washington State Department of Ecology for giving them a chance to comment on the draft language. The SAC looks forward to providing additional input as the process of rule-making moves forward.

Sincerely,



Al Brooks  
Sanctuary Advisory Council Chair