



February 14, 2014

Region 10 Administrator &  
Alaska Regional Response Team Co Chairs

Re: FOIA Request-ARRT's Chemical Dispersant Plan Revision 2.0

Dear Mr. McLerran, Mr. Fields and Mr. Everett,

The Lawrence Anthony Earth Organization (LAEO) is requesting under FOIA, 5 USC 552 that you provide comprehensive documentation covering past and ongoing activities around the research, planning, development and public comment gathering actions associated with ARRT's Chemical Dispersants Plan Revision.

While LAEO does not represent Tribal Governments, we are nevertheless concerned about how ARRT's plan for expanding and re-defining pre-authorization zones for chemical dispersant use as part of Alaska Unified Plan will impact the many diverse peoples, cultures and environments of Alaska.

LAEO is vehemently opposed to the use of chemical dispersants at any time in any of the world's oceans, and take issue with the NRT, EPA, Coast Guard, and other RRT members in Alaska engaging in a campaign to put in place a dispersants pre-authorization plan which essentially mirrors the very same NCP/RCP plan that utterly failed to **remove** spilled oil during and after the 2010 BP Oil Spill disaster in the Gulf of Mexico and earlier during the Exxon Valdez spill.

LAEO is also a member of the Change Oil Spill Response Global Alliance Alaskan Delegation which has made numerous submissions and requests as

well as forwarded sensible recommendations to the ARRT regarding how to overcome broad public opposition to their dispersants plan.

LAEO is requesting the following information be provided, as mandated by FOIA, 5 USC 552, to ensure transparency of this ongoing dispersant plan revision process:

1. Please provide a listing, links or, otherwise, copies of what scientific reviews, documentation, testing and or field trials were done and or/reviewed as part of the work on the Alaskan Chemical Dispersant Plan Revision. This would include scientific documentation that proves the efficacy of chemical dispersants as an effective response tool in Alaskan Waters per the Clean Water Act's mandate to *remove* the toxic substance from the environment, not just sink it; justifying the inclusion of their use in the Alaska Unified Plan. This must also include evidence that chemical dispersants get results in below 40 degree water temperatures.
2. Please provide the names of the Science and Technology Committee members who validated the information in #1 above and who participated in the dispersant plan revision.
3. Please provide copies of any NRT, Coast Guard, DOI, NOAA or other interagency directives sent to ARRT members regarding chemical dispersant plan revision work.
4. What national level HQ directives from EPA, Coast Guard and NOAA have been issued on the subject of chemical dispersant policy and ARRT Tribal engagement policy.
5. In what volume, what brands and in what locations are chemical dispersants currently stockpiled for deployment in the event of an oil spill in Alaska?
6. Please provide records of public comments made during the general public meetings held between November 13<sup>-22</sup> 2013 re AART's chemical dispersant plan revision.

## **Tribal Engagement Section– FOIA Request**

The ARRT website states the following:

The Alaska Regional Response Team (ARRT) has invited the 80 plus tribal governments within the five sub area planning regions (Prince William Sound, Bristol Bay, Kodiak, Cook Inlet, and the Aleutians) to participation in consultation and coordination process under Executive Order 13175. These meetings were kicked off with information exchange opportunities for tribal government leaders or their authorized representatives in King Salmon, Anchorage, Kodiak, Valdez and Unalaska. The meeting schedule is below. There will be additional opportunities for tribal governments to engage with the ARRT through consultation during the BIA Provider's conference as well as the Alaska Forum on the Environment. Additionally, there will be a meeting with the Alaska Native Claims Settlement Act (ANCSA) regional and village corporations within the 5 planning areas in Anchorage. These meetings are not public meetings and therefore their agendas have not been posted to this website. For additional information regarding tribal government or ANCSA Corporation consultation and coordination please contact LT James Nunez at [James.D.Nunez@uscg.mil](mailto:James.D.Nunez@uscg.mil).

7. Please provide the list of 80 Tribes that were sent notification to participate in the consultation and coordination regarding AART's chemical dispersant plan revision.
8. Please provide a list of what Tribes indicated they actually received the notification and responded. Were any further actions taken besides sending out a letter, i.e. phone calls, fax or other efforts to ensure notification was received? Please provide any logs, or other documentation records of this.
9. Please provide a list of what Tribes have requested to engage in government to government consultation meetings re AART's chemical dispersant plan revision.
10. Please provide records of the public comments made during the Tribal engagement and/or during consultation meetings as well as minutes/public comments at ANCSA meetings regarding AART's chemical dispersant plan revision.

Separate from this FOIA request, we would like to recommend that the public comment and Tribal engagement period on this matter be extended beyond Feb 14<sup>th</sup>, 2014 in light of the holiday period and unrealistic time frame expectations so as to ensure full Tribal Government input and other stakeholder participation. We are also aware that the Endangered Species Act requirements will also need to be fulfilled before enacting ARRT's chemical dispersant plan revision, hence extending public comment and Tribal engagement period would presumably have no impact on your scheduling.

We appreciate expedited attention to this matter.

Sincerely Yours,

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CC: Gina McCarthy, EPA Administrator  
CC: Avi Garbo, EPA General Counsel  
CC: Dennis McLerran, EPA, Region 10 Regional Administrator  
CC: Allyn Stern, EPA, Region 10, Regional Counsel  
CC: NRT Chairman Dana Tulis  
CC: EPA Environmental Justice Chairman  
CC: Key Senators Alaska, Washington, Oregon, California