



ALASKA INTER-TRIBAL COUNCIL

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Commander (DRM)

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Subject: Proposed Revisions to the 1989 Oil Dispersant Guidelines

Thank you for the opportunity to comment on revisions currently being proposed by the Alaska Regional Response Team. Revision of the oil spill dispersant use guidelines for Alaska is long overdue and without the Tribal Councils participating in the Revision process is totally unacceptable and the use of any chemical dispersant product in Alaska waters is opposed by Tribal Nations, fishermen and concerned citizens.

AI-TC questions the ARRT valuation of effectiveness of the application of the dispersing agent on the ensuing dispersed oil to the environment considering the toxicity and the ecological risk to human health.

There are dozens of scientific papers showing that chemical dispersants are ineffective at remediating oil spills and are more destructive than the oil itself. We believe the source of the problem has been the Environmental Protection Agency (EPA), Coast Guard and other agencies who have issues 'misguidance' in their materials published for oil spill response clean up professionals. Inaccurate guidance on the subject of chemical dispersants has crept into the materials which has been perpetuated and enforced throughout the industry. These faulty guidelines and ineffective remedies for spill problems have resulted in industry officials with a 25-year addition to chemical dispersants used in our oceans and who mistakenly think that these are the best tools for managing environmental damage and profit loss from oil spill fines.

Dispersants impede the effectiveness of mechanical spill recovery by OPA '90 and should not be used unless, and until full compliance with all state and federal spill prevention and response requirements are met with equipment that is effective and reliable in our severe Alaskan maritime conditions. Both state and federal regulations require development of spill response plans that fully consider severe local conditions and these requirements have been unlawfully subverted with Alternative Planning Criteria that allows the use of response equipment

inappropriate for open ocean spill recovery. This decided lack of appropriate response equipment in turn forces the use of dispersants to abate certain spill effects on surface waters while creating a more destructive effect from the toxic dispersants and dispersed oil in the water column. The unlawful denial of full compliance with state and federal oil spill planning regulations cannot be used to justify destructive dispersant use and all dispersant application should be deemed inappropriate until full compliance is obtained from all potential regulated spill sources. Only after the required spill response capability is developed across all Alaskan waters and the appropriate dispersant monitoring and trajectory analysis is available should regulators consider the use of dispersants in response to an oil spill.

Alaska Inter-Tribal Council has collected thirteen Tribal Council Resolutions opposing and banning the use of chemical dispersant products in all emergency plans and response toolkits regarding the waters of Alaska. The potential to destroy our ocean food security is not an acceptable risk to be traded for industry profits and dirty energy proliferation. The current policy hopefully reflects that the Tribal Governments are to be consulted, that ANCSA corporations are not Tribal Governments, are merely Congressionally created entities without the Tribal Government and Tribal Citizens/Members fully informed consent, no referendum vote was ever held. ANCSA corporation shareholders are outnumbered by Tribal members 3 to 1 now. ANCSA corporations do not represent all Tribal members of 229 federally recognized tribes of Alaska.

Alaska Inter-Tribal Council also collected 2 Resolutions: Nunakuyak Traditional Council and Village of White Mountain to sit on the Alaska Regional Response Team and submitted a letter to the USCG. The USCG has denied the Tribal seat to AI-TC.

Alaska Inter-Tribal Council supports and incorporates the comments of the Prince William Sound Regional Citizen's Advisory Council, Center for Water Advocacy, Alaska Big Village Network, Tom Lakosh, Lawrence Anthony Earth Organization and AI-TC also signed onto the comment letter of Dr. Riki Ott.

Alaska Inter-Tribal Council does not support the use of any dispersants in Alaska and US Waters.

Tribal Communities in Alaska are heavily dependent on subsistence use of the natural resources of Ocean and Fresh Waters; and many tribal natural resources for subsistence and cultural use are migratory in nature. In Alaska, most of all tribal natural resources are spiritual, physical, nutritional survival for tribal members. The living natural resources are migratory in nature across many jurisdictions and boundaries. Ecosystem Services for subsistence use of natural resources are not well documented in Alaska, and are barely within the framework of the Alaska Regional Response Team's Science and Technology Committee Charter. AI-TC is particularly concerned about the critical importance of Trustee resources for Tribal subsistence and traditional use for cultural, physical and spiritual survival.

The process of tribal engagement in decision-making process' isn't explicitly clear considering the lack of scientific knowledge and understanding of the cultural and subsistence use of natural resources in US Water. The Environmental Justice concerns of Alaska Inter-Tribal Council are focused on a process of negligence in decision-making when western systems of science are lacking critical information on Traditional Knowledge and tribal uses of the natural resources affected by decision-making.

These comments are in reference to concurrence requirements in the draft document to prevent injustice. The Traditional Knowledge systems of the Tribal interest must be engaged at the highest levels of decision-making to prevent disproportionate and adverse harm to tribal communities that depend on the natural resources. Due to the lack of science regarding multi-source ecosystem exposure routes of subsistence and cultural uses of the natural resources; AI-TC recommends a process of inclusion in decision making on par with the same respect given to EPA and the State of Alaska for Concurrence decision-making on the use of Dispersants in any application scenario.

On-going and real time Tribal Human Health Risks and Tribal Ecological Risks must be evaluated prior to decisions for the use of Alternative oil spill response mechanisms and should be prioritized when adding chemical agents (such as dispersants) to the oil spill to prevent adverse and disproportionate impacts to tribal interests and subsistence uses of the resources.

Multi-lingual risks communication is needed for Tribal communities and subsistence users/personal users should understand the decision making process. More information is needed for tribal and Alaskans understanding whether the effectiveness of a dispersant agent creates increased risks to tribal, subsistence and commercial use of the natural resources affected by dispersants and dispersed oil in the ecosystem.

Critical Marine life are further exposed in the water column and the 'effectiveness' of the toxic dispersant increases surface area of dispersed oil that also increases exposure and uptake of both oil and dispersants into multiple species and directly affects tribal ecosystem services. The toxicity and tribal ecological impacts must be fully understood to prevent adverse and disproportionate impacts to tribal communities and subsistence users for all purposes of physical and cultural survival. The question of product 'effectiveness' in the product schedule for release of the dispersant in the natural environment must be evaluated with full participation of tribal communities to prevent malicious intent and human rights violations.

AI-TC recommends a full NEPA review of the final Dispersant plan and requests a comprehensive Human Health Assessment and Tribal Ecological Risk Assessment of the Dispersant Plan with fully informed participation and consent of indigenous peoples living in Alaska, as subjected to international accords, US civil rights laws and all applicable domestic laws and regulations to the affected tribal communities by this decision making process.

Sincerely,

Delice Calcote
Executive Director

enclosures: Resolutions from : Nunakauyak Traditional Council and Village of White Mountain
One of the 13 Resolutions: Native Village of Kaktovik

cc: Dr. Riki Ott
Cook Inlet Keeper
Center for Water Advocacy
Alaska Big Village Network
AITC Emergency Response and Preparedness Committee
Senator Mark Begich
Senator Lisa Murkowski
Congressman Don Young