



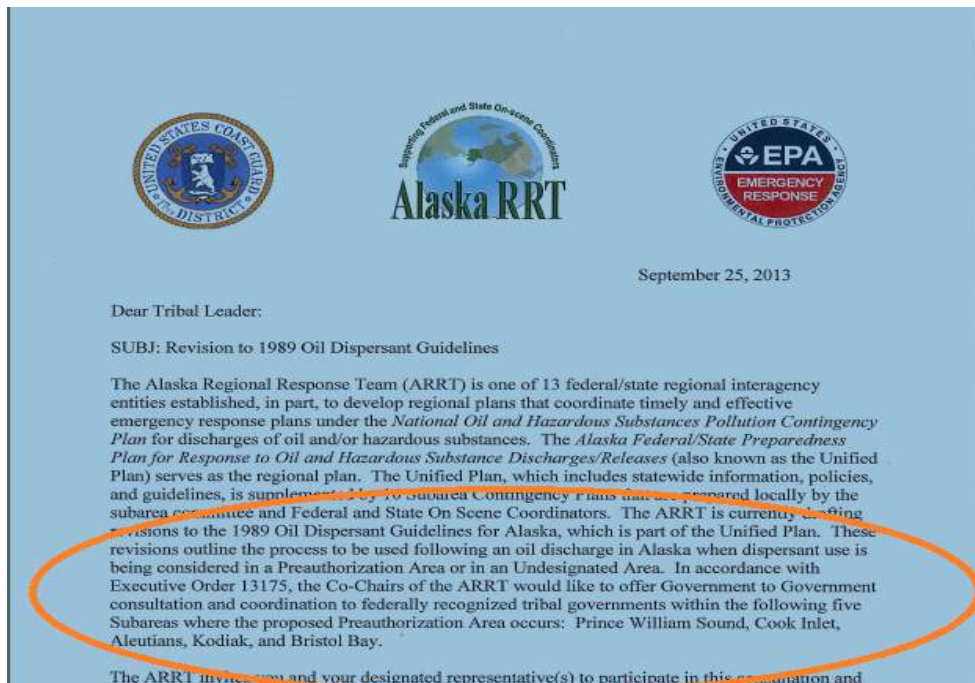
**CHANGE OIL SPILL RESPONSE GLOBAL ALLIANCE
ALASKA DELEGATION**

**IMPORTANT—NOTIFICATION TO ALL TRIBAL GOVERNMENTS & RESIDENTS
IN ALASKA & COASTAL UNITED STATES REGIONS**

**RE: FEDERAL GOVERNMENT PLANS FOR PRE-AUTHORIZING TOXIC CHEMICAL DISPERSANTS
FOR OIL AND OTHER HAZARDOUS SPILL RESPONSE IN ALASKAN WATERS—
UNDERMINING TRIBAL GOVERNMENT AUTHORITY AND YOUR BASIC HUMAN RIGHT TO CLEAN WATER**

The Alaska Regional Response Team (ARRT) consisting of Environmental Protection Agency, Coast Guard and other federal and state agency officials have excluded Tribal Natural Resource Trustees from spill counter measure planning processes. These same agency representatives in Alaska are working to ram through a plan giving the Coast Guard **pre-authorization** power to use toxic chemical dispersants in the event of an oil spill along every major coastline in Alaska bypassing objections of Tribal Governments. See <http://alaskarrt.org/Documents.aspx?f=12371> for ARRT documents and letter to Tribal Leaders.

NOV 13, PLANNED TRIBAL GOVERNMENT ENGAGEMENT BEGINS



The complete letter to Alaskan Tribal Leaders and plan documents can be found at: <http://alaskarrt.org/Documents.aspx?f=12371>

To overcome general public and 'Tribal concerns' about dispersant use, considerable tax dollars, time and effort are being spent by ARRT officials to hold community meetings in several far flung regions of Alaska to engage in information exchange and receive public comment on the Alaska Regional Response Team's (ARRT) Pre-Authorization of Chemical Dispersants Plan.

As part of this process, the Alaska Regional Response Team (ARRT) is attempting to engage with 80 federally recognized tribes they deem would be impacted by the plan (who would have to travel or go to considerable expense to participate) to brief them on this dispersant plan. Tribal Governments have 90 days to respond to this plan starting November 13th.

Ninety days is an unreasonable period of time for Tribal Governments as Natural Resource Trustees to be asked to review a highly technical 100 plus page chemical dispersant guidelines and prepare their response.

Especially in light of the ARRT a) repeatedly and deliberately excluding Tribal participation in the development and formation of said plan and b) having themselves worked on the plan for several years-- now giving the Tribes just 90 days to digest and understand the information?

SUMMARY

- Repeated requests, petitions, formal submissions, Tribal Resolutions, emails and phone calls expressing concerns over government plans to pre-approve, stockpile and use chemical dispersants in Alaskan waters (where they have even been scientifically proven as not effective in cold Arctic waters), have been ignored by EPA, Coast Guard/NRT (National Response Team) officials responsible as Trustees, for safeguarding the natural resources, environments and waters of the United States.
- Several organizations representing Tribes with sovereign nation status, and international water protection advocates have formed the Change Oil Spill Response Global Alliance (COSRGA) Alaska Delegation to assist with this matter.
- Ten officially enacted Tribal Resolutions to ban the use of chemical dispersants in Alaskan waters and a formal submission by COSRGA were presented with documentation in May 2013 to the Alaskan Regional Response Team (RRT). The exact demands of this request are footnoted below.[\[i\]](#) The submission received no definitive response.
- After four months of no action on the request and Tribal Resolutions, the ARRT announced at their 25 Sept 2013 meeting that their revised Chemical Dispersant Guidelines have been approved by the required inter-agency signatories and they will be presenting the plan at community meetings.
- Indigenous peoples and Federally Recognized Tribes in Alaska have been wrongfully excluded from the rights to effectively participate in a matter which will forever impact their lands, their ability to subsist, and the health of their Tribes, whom retain, maintain and exercise sovereign jurisdiction over their lands, waters, air by law. Recent approval of the chemical dispersant policy for oil spill response by the inter-agency Alaska Regional Response Team violates the sovereignty of the all Tribes. The exclusion of any Tribal participation in ARRT policy formulation violates the Federal trust responsibility and duty to protect and promote customary and traditional natural resources that are the cornerstone of customary and traditional and modern life ways of indigenous peoples, nations, and communities of Alaska. Tribes must be given an opportunity to substantively, and EFFECTIVELY participate as full voting members of all of the committees and sub-committee working groups of the inter-agency Alaska Regional Response Team.

- There are ample scientific studies (post Exxon Valdez and now post BP Oil Spill in the Gulf of Mexico), which indicate the efficacy of chemical dispersants are at best questionable and from our extensive reviews represent a serious threat to ocean ecosystems and very high health risks to the smallest micro-organisms up through to mammals in the food web and now documented grave risks to human beings.
- Lastly, this inter-agency Alaska Regional Response Team behavior as demonstrated in Alaska amounts to gross human rights violations denying Tribes and residents their fundamental rights to clean water and healthy environments.

We demand that the ARRT discontinue efforts to gain pre-authorization for dispersant use in Alaskan waters and invest time and resources into finding effective solutions for:

- a) The devastating effects of existing toxic spills that are not being effectively addressed in Alaska.
- b) Addressing the threat of a major oil spill or chemical accident by tanker vessels in Arctic waters which would be an international nightmare to deal with regardless of WHERE it spills due to the unique ICE and oceanographic conditions.
- c) Hold industry stakeholders to higher standards in spill countermeasure plans. Their current plans remediate less than 25% of any hazardous spill – which is an unacceptable plan. Federal agencies need to stop approving and endorsing such plans!

RECOMMENDATIONS

1. Suspend Chemical Dispersant Preauthorization Plans to:

- Clarify uncertainties in the science on the matter
- Take no action until Tribal Trustees have formal due process participation and substantive and meaningful participation
- Resolve Tribal Government representation on the Alaska Regional Response Team and Area Committees.

2. Set up a task force consisting of the best and most qualified minds in Science and Technology associated with hazardous spills to find workable solutions to be incorporated into the Unified Plan to solve the problems chemical dispersants do not solve. This would include liaison with the efforts by the Arctic Council taking place throughout the Circumpolar Arctic hemisphere.

The task force must consist of members of independent scientific expertise; and experts who have no financial ties to the oil and gas industry who are open, unbiased and willing to be objective. The Change Oil Spill Response Global Alliance will assist with vetting and locating qualified people.

3. Appoint a neutral Tribal Government Natural Resources Observer and Liaison Committee to oversee and ensure every step of all planning and engagement processes by the ARRT and other government agencies concerned meet Tribal Government engagement statutory requirements. Alaska Inter-Tribal Council (AI-TC) in partnership with the National Tribal Emergency Management Council are qualified to act in this capacity. A special project would be formed up under these organizations which would be funded through the National Response Team to execute this function. Tribal Liaisons with the Coast Guard and other

Federal Agencies would work with the AI-TC Natural Resources Tribal Government Liaison Committee. The Committee will advise the ARRT on Tribal Government matters, help form Tribal Area Response Teams (counter parts of the ARRT), provide research and educational support, information exchange and communications support with/for Tribal Governments to ensure response measures are adequate and fully in place and prepared.

Sincerely,

Executive Director Alaska Inter-Tribal Council Executive Director

Lawrence Anthony Earth Organization

&

Change Oil Spill Response Global Alliance

Attachments:

- An Open Letter Re: Oil Spill Solutions
- Sample Tribal Resolutions to Ban Chemical Dispersant Use
- Alaska, Tribal Exclusion Fact Sheet
- The Case Against Chemical Dispersants Publication

[i] SUMMARY OF FORMAL REQUEST:

1. Withdraw any form of preauthorization of chemical dispersants in Alaskan Response Plans. Immediately adopt our proposal for *Standardized Criteria Assessment and Sustainable Oil Spill Cleanup Methodology Selection*. (Addendum 1--now on the web at: <http://protectmarinelifenow.org/identification>. Utilize this Standardized Criteria to properly assess the preauthorization plan for dispersants.
2. Thoroughly review the documentation included
3. Enact preauthorization [pre-approval] of Bioremediation Agent--Enzyme Additive Type/OSE II as a fully qualified first response method that already meets all EPA efficacy requirements (a non-toxic replacement for dispersants)
4. Concede to the restoration of ARRT voting member seats to duly authorized representatives appointed by federally recognized Tribes in Alaska. Again, federally recognized Tribes are sovereign nations and therefore Tribal governments and communities must be formally included in all emergency and preparedness policy and planning processes of the ARRT. This to include allowances for qualified individuals to gain membership on the ARRT's Science and Technology Committee and duly appointed sub-committees and task forces. This will also include access to the Private RRT Project website at: <http://private.alaskarrt.org> and thereby permitting balanced stakeholder representation.

