

4 Testimony to the Alaska Legislature

5
6 Re: Selendang Ayu Incident
7

8 There are approximately 10 tank vessel and 200 non-tank vessel oil spill contingency plans for
9 federal and private vessels serving ports on the Aleutian Chain. The public and private resources sent to
10 prevent and respond to the Selendang Ayu incident are essentially the same resources that would
11 respond in the existing contingency plans. The response to this incident was an unmitigated failure;
12 adversely impacting planned fisheries openings and oiling many miles of the National Marine Preserve.
13 Alaskans can therefore expect similar damage to their resources and interruption of their fisheries when
14 any of the existing contingency plans are implemented under similarly demanding conditions.

15 Despite the fact that three tugs and a Coast Guard Cutter were on scene prior to the grounding,
16 none of these vessels prevented the grounding of the Selendang Ayu. This is particularly disturbing
17 when any of these assist vessels could have attached towlines with the assistance of the Coast Guard
18 helicopter(s) and prevented the anchor from dragging and thus preventing the grounding. The Chadux
19 Corporation, which holds many of the spill response contracts for the Aleutian Chain, did not boom the
20 leaking vessel, nor did it employ spill response equipment readily available and designed for response to
21 spills of viscous oil in high seas. The lightering efforts, although ultimately partially effective, did not
22 meet the standards of Alaskan law requiring the “Best Available Technology” and were not immediately
23 available as required by law.

24 The amount of oil released by the Selendang Ayu is roughly equivalent to the amounts planned
25 for in multiple tank vessel contingency plans and the fuel oil is more damaging to the environment,
26 because of the persistence of the oil, than the product carried by many of the tank vessels that require c-
27 plans, yet none of the thousands of “Innocent Passage” vessels that transit the Chain every year carry
28 such c-plans. The Alaska Legislature must take steps to insure that Alaskan’s interests are protected
29 from all of these threats to our valuable resources, our livelihoods and our legacy. The Legislature must
30 insist that DEC enforce its jurisdiction throughout the EEZ as has been previously legislated and must
31 insure that the plans that are in place can actually effectively respond in the demanding conditions along
32 the Chain. The Legislature must also consider closing the perceived gap in state jurisdiction in Unimak
33 Pass that has a shorter distance shore to shore than many other areas along our coast that are considered
34 state waters.

35 Two of the 10 tank vessel c-plans for Adak and Dutch Harbor require the use of escort tugs in
36 state waters. Despite the responsible and well intentioned efforts of the Aleut Enterprise Corporation and
37 Delta Western to require escort tugs in state waters, the available tugs are wholly underpowered and
38 likely incapable of succeeding in rescue attempts in severe conditions as exemplified by this incident.
39 Parker Associates, on contract to the Alaska Oceans Program, is presently investigating tug concept
40 designs that could effectively rescue vessels in distress, contain the spill, stop the oil leaks, and prepare
41 the stricken vessel for immediate lightering. We sincerely hope that the Legislature and DEC and/or the
42 U.S.C.G. would appropriately assign the costs of two of these rescue tugs, stationed at Unimak Pass and
43 Shemya, to be born by the thousands of ships that would be served by these prevention and response
44 assets. We would hope that the agencies would require close escort of all tank vessels though the
45 Aleutian passes and otherwise through state waters when they sail to Alaskan ports.

1 We would hope that the U.S.C.G. and the D.O.D. would take lead responsibility for these tugs
2 because they are responsible for their own tank vessel visits and non-tank vessel transits to ports from
3 Kodiak to Attu. These tugs could also easily be designed to perform buoy-tendering duties along the
4 Aleutian Chain, which is presently within the purview of the U.S.C.G. Even if the tugs would be
5 privately owned and operated, there is a clear need to reevaluate Coast Guard practices and equipment to
6 better perform vessel rescue operations and spill response as part of their standard departmental and
7 Safety Of Law at Sea duty, their vessel contingency plans and in their role as responders in Sub-area
8 Contingency Plans. If these options do not “bear fruit” in the near term, we suggest that funds be made
9 available for vessel construction through the dedicated federal and/or state Oil Spill Trust Funds set up
10 by OPA '90 and HB 470.

11 We at Parker Associates and the Alaska Oceans Program understand that the weather conditions
12 along the Chain are extremely demanding but the available resources are far below the standard of that
13 which is presently within the state-of-the-art and we will endeavor to provide competent advice on
14 practical solutions and promising areas of research. It is clearly practicable to deploy interim rescue and
15 response improvements by providing for a standby salvage tug as part of the required contract to remove
16 the Selendang Ayu from its present grounded position. We suggest this cost be born by the present set of
17 over 200 contingency plan holders and/or the Trust Funds mentioned above. If the thousands of vessels
18 presently transiting the Great Circle Route weren't enough of a threat, the Legislature must remember
19 that the Export Ban has been lifted and that Russia is planning to ship oil and gas East from fields in
20 Sakhalin and from a pipeline to the Vladivostok Region. Alaskans can no longer “turn a blind eye” to
21 the repeated fouling of our precious resources and must take immediate legislative and administrative
22 action to design our contingency plans to encompass all threats of catastrophic oil spill damage and to
23 provide competent capability for preventing and responding to spills in our challenging environment.
24
25

26 Sincerely,

27 Tom Lakosh
28 Lead Investigator
29 Parker Associates Inc.
30 For the Alaska Oceans Program