

Places of Refuge: A Pacific Partnership for Proper Prior Planning
Presentation at Prevention First 2004
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Since 1989, the Pacific States/British Columbia Oil Spill Task Force has been providing a forum for the oil spill regulatory programs in the states of Alaska, Washington, Oregon, California – and Hawaii since 2000 – to collaborate among themselves and with the Canadian Province of British Columbia on regional spill prevention, preparedness, and response initiatives. By sharing information and policy concepts, by providing leadership for regional initiatives, and by involving key stakeholders throughout the region, the Task Force can point to a long list of accomplishments over the last fifteen years. Their cooperation has produced regional mutual aid agreements, recommended protocols for the care of oiled wildlife, guidelines for an integrated contingency plan format for tank vessels, recommendations to reduce the risks of drift groundings on the West Coast, and much more. Detailed project reports are available on the Task Force's website at www.oilspilltaskforce.org.

One of the reports on our website summarizes a Roundtable Discussion sponsored by the Task Force in July of 2003 on Places of Refuge. In response to the *T/V Prestige* event off the coast of Spain, it was clear that such a scenario could occur anywhere in the world, including in our Pacific "backyard." It was equally clear that planning for such an event needed to be done as soon as possible.

With that in mind, the Task Force invited input from the oil shipping industry, salvors, environmental planners, port authorities, and economists. We also asked industry and government decision-makers to address the issues of "What Decisions are Needed, Who will make them, and When?"

Anil Mathur of the Alaska Tanker Company keynoted the Roundtable by noting that timely, workable, responses to requests for refuge are needed to minimize the impact of incidents. Planning is needed, he suggested, not pre-designation of specific places of refuge. He recommended a Task Force Working Group to develop a template for pre-planning for ships' request for assistance, and that such a group should be co-chaired by US Coast Guard & Canadian Coast Guard and that the states and British Columbia should have input.

Roundtable panelists advised us to include a salvor among the experts advising decision-makers during a Place of Refuge event, and representatives from NOAA and Environment Canada explained that they would use the same analysis and trajectory modeling utilized in any oil spill event in order to weigh environmental trade-offs. NOAA's economist commented that a Place of Refuge is a place to minimize both public and private costs and asked what incentives would be useful; for instance, should a Place of Refuge be offered double payments on costs incurred? The harbormaster's input made it clear that pre-planning should address port requirements for bonds and assurances that all possible outcomes have been addressed. Representatives from the US and Canadian Coast Guards, industry, California and British Columbia agreed with Anil on the need to apply the International Maritime Organization's (IMO) guidelines as well as the need for process planning rather than pre-designating sites. They also agreed that both the politics and the number of agencies and persons who would want access to the decision-making process could be difficult to manage.

Based on the advice given by speakers and attendees at the July 2003 Roundtable, the Task Force Members agreed to sponsor a regional stakeholder workgroup to address this issue. We invited the US Coast Guard Pacific Area to co-sponsor the project, and CAPT Rob Lorigan agreed to co-chair the workgroup. Ms. Linda Pilkey-Jarvis, Manager of the Preparedness Section of the Washington Department of Ecology's Spills Program, agreed to serve as the Task Force's co-

chair. They worked with Task Force staff during the Fall of 2003 to define the project's scope and confirm workgroup membership.

The Places of Refuge Project Workgroup includes representatives from Alaska, British Columbia, Washington, Oregon, California, Hawaii, the US Coast Guard Pacific Area, the US Coast Guard Office of Response, and US Coast Guard Districts 14, 11, 13, and 17, the Canadian Coast Guard, Transport Canada, Environment Canada, and the Vancouver Port Authority. Industry representatives include the Western States Petroleum Association for US- flag tank vessel operators and Teekay for Intertanko. Tug and barge associations in both the US and Canada are members, as are dry cargo operators' associations from Puget Sound, the Columbia River, and California. Participating public interest organizations include the Cook Inlet and Prince William Sound Regional Citizens' Advisory Councils and the David Suzuki Foundation from British Columbia.

This Project Workgroup met in early February of 2004 and reviewed the history of the Prestige incident as well as the Places of Refuge Guidelines adopted by the International Maritime Organization (IMO) in December of 2003. They agreed that final decision-making authority rests with the US or Canadian Coast Guards, but also noted that if time allows, an Incident Command System/Unified Command would be established to include the states (or Province) as well as the vessel owner/operator in the decision-making process.

The Project Workgroup agreed that their goal was to operationalize IMO's guidelines by developing a Places of Refuge annex for Area Contingency Plans, and established a subcommittee to address that task. By the date of the Prevention First 2004 conference, that draft annex will have just undergone review and comment by the US Coast Guard Captains of the Port in the Pacific Area, as well as the Area Committees and the Project Workgroup. Following revisions based on their comments, the next draft of the Annex will be placed on the Oil Spill Task Force website for public comment. It is anticipated that the final annex will be approved by the Project Workgroup and endorsed by the Pacific States/British

Columbia Oil Spill Task Force and the US Coast Guard by the end of 2004. Once the annex is finalized, Canadian authorities have agreed to modify it as appropriate by inserting Canadian references.

The Places of Refuge annex for Area Contingency Plans addresses two objectives:

1. To facilitate pre-planning for a request for places of refuge; and
2. To expedite the best possible decision-making when such a request is received from a vessel in distress.

To accomplish the first objective, Area Committees will be provided a template to use for collecting general information about their planning area such as the availability of rescue tugs, salvage and firefighting resources, spill and emergency response resources, the characteristics of potentially impacted shorelines, existing resource protection strategies, local vessel traffic patterns, potential risks to population centers, and existing trans-national or trans-jurisdictional agreements. Area Committees could also assemble information in advance on specific docks, piers, anchorages, moorings, or potential grounding sites in both ports and protected bays within their planning area. For each of these categories, they can collect such information as bottom types, general wind/wave/current information, port facilities and available services, descriptions of sensitive resources or areas at each site, the financial assurance requirements of port authorities, and identification of key stakeholders including 24/7 contact information. With this information readily available, decision-making is expedited when a request for a place of refuge is received.

The Annex notes, as is also noted in Section 2 of IMO's Places of Refuge Guidelines, that the vessel master initiates the place of refuge process. The master should provide as much information as possible on the status of the vessel, crew, and weather, plus the reasons for the ship's need of assistance, specific assistance required, and his/her intended actions. The master should note any medical issues, deaths, or need for evacuation of crew. If the vessel is flooding, the master should note whether the ship's pumping system is operable. The master should report

whether the vessel still has steering and propulsion, and the vessel's firefighting capability. The master should also advise the Captain of the Port whether the vessel's owners/operators, Qualified Individual, and class society have been notified of the vessel's situation.

The Area Plan annex will facilitate an iterative decision-making process, based on the IMO guidelines. It recommends that the first steps by a Captain of the Port should include the following:

- Determine the risk to the vessel's crew and to the general public;
- Activate available salvage and spill response resources;
- Activate a Unified Command if time allows; and
- Determine whether any security risks exist.

The annex provides checklists which the Captain of the Port or the Unified Command would use to evaluate the consequences for the vessel, for communities or ports, and for the environment of the following scenarios:

- The ship remains in the same position;
- The ship continues on its voyage, if able;
- The ship is taken to a place of refuge; OR
- The ship is taken out to sea.

The Captain of the Port or the Unified Command would then use detailed checklists to evaluate these options. These checklists cover such topics as: the environmental consequences of various options; factors such as cargo type, weather conditions, and area traffic; potential economic impacts to places of refuge; port or grounding site criteria; and management issues such as financial responsibility requirements, cross-jurisdictional coordination issues, and public expectations.

The draft Area Plan annex does not address two issues which were also left open by IMO:

1. Whether the liability for environmental and economic impacts rests with the vessel owner/operator or the government authorities directing the vessel's movements; and
2. Whether special compensation or funding should be available to ports and/or communities selected as Places of Refuge.

There are national policy issues, and would best be addressed by the US Coast Guard and Transport Canada in cooperation with their national legislatures.

The Pacific States/British Columbia Oil Spill Task Force has a successful record of facilitating regional spill prevention, preparedness, and response initiatives. The Places of Refuge Project addresses a clear need, and the stakeholders participating on the Project Workgroup have recognized that need and are providing useful direction to the Project. The leadership of the US Coast Guard Pacific Area and the Alaska Regional Response Team and Area Committee have been crucial to the work of the Places of Refuge Area Plan Annex subcommittee. This is, indeed, a "Pacific Partnership for Proper Prior Planning."