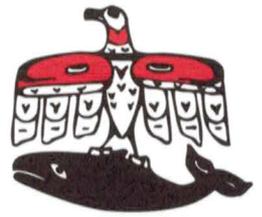




# MAKAH TRIBE

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IN REPLY REFER TO:

Martha Kongsgaard

February 3, 2012

Gerry O'Keefe  
Puget Sound Partnership  
326 E D Street  
Tacoma, WA 98421  
Via email: [actionagenda@psp.wa.gov](mailto:actionagenda@psp.wa.gov)

RE: Comments on the draft Action Agenda and Biennial Science Workplan

Dear Martha and Gerry,

The Chairman of the Makah Tribal Council, Micah McCarty, has authorized submittal of these comments and appreciates the opportunity to contribute to the Action Plan and Biennial Science Workplan. In addition to our work with the federal-tribal caucus, we have concentrated representing our Treaty interests as members of the Strait of Juan de Fuca Environmental Restoration Network and on the Oil Spill Cross partnership Workgroup. We also have regular representation at Leadership Council meetings.

We believe the Action Agenda can play a vital role in improving coordination and accountability between state federal and tribal regulatory programs. It would be good for this to be a stated goal in the Executive Summary and body of the Plan. There is increasing need for leadership and accountability in our agencies entrusted with stewardship of the Sound. We look forward to your evaluation as to how the agencies are upholding their obligations. We view this yet-to-be fulfilled role of the Partnership as one of the most promising. Furthermore, it would be valuable to note which of the State Programs have delegated federal authority to assure there is adequate coordination and accountability between programs such as CZMP that is now playing a central role in the development of National Ocean Policy.

Progress has been made in fulfilling several of the key goals initially identified for the Strait ERN Strategic Priority, Oil Spill Prevention, Preparedness, and Response (Strategic Priority ID#15) including most significantly the permanent stationing of the Neah Bay Response tug. In addition, the Strait ERN has gained a presence in several committees identified through the Makah Tribe's appointment to the RRT/NWAC, Cross partnership oil spill workgroup (along with Clallam County Commissioner Doherty) as well as the oil spill advisory group established by Ecology to oversee the rulemaking required by SB 1186.

This representation also furthers the previously identified goals of establishing a liaison role for the Strait ERN during a spill for the Makah, being on the RRT, are notified if an incident command is being stood up in the region and has been trained to serve in the Command. As part of this training, the Makah have participated in CANUSPAC exercises along the Strait and Coast and was instrumental in calling for the update of the oil spill capability across the boarder in the US Coast Guard Reauthorization.

While this furthered the call for improved trans-boundary coordination on oil spills in the original priorities, this item, which specifically calls for tribal participation, remains a priority for this biennium as we expect this update to occur during this time.

There are ongoing needs to assure that GRPs are updated and groundtruthed. This is best accomplished through a rigorous drill program that also furthers the goals of improving the incorporation of vessels of opportunity and volunteers as called for in SB 1186. It is hoped that the existing GRPs are being incorporated into the updates of the Shoreline Master Plans underway, and visa versa, but will also need ongoing review. Other ongoing needs include continued funding for HAZWOPER, Incident Command System, and Oiled Wildlife classes for volunteers from across the Strait Action Area, historically sponsored by the Clallam Marine Resources Committee (MRC), in cooperation with the Jefferson MRC. Continued support for the publicly funded oil spill response equipment caches that are strategically located throughout the Strait Action Area, and funding for routine training in the use of that equipment is also needed. This leaves the three highest priority specific actions for this Biennium's Strait ERN Oil Spill Preparedness, Prevention, and Response, Packaged Local Near Term Action (C10.2 LNTA #1) to be:

- **Neah Bay Vessel of Opportunity Program (Strait ERN Work Plan ID#15c)** – The Makah fishing fleet is located in the strategic Port of Neah Bay at the junction between the Strait of Juan de Fuca and the outer Coast. The Port is defined as a spill response “staging area” in the State’s oil spill Contingency Plan. The resident fleet, along with government and industry spill response assets and the emergency response tug, make this port an ideal location for developing of a vessel of opportunity program, a critical enhancement to the region’s response capacity. The value of supporting a vessel of opportunity program with Neah Bay assets is recognized within the Governor’s letter of April 20, 2011 letter to Ecology’s Director, Ted Sturdevant. We support establishment of a Vessel of Opportunity program (VOO) in Neah Bay as part of SB 1186, as well as additional VOO programs along the Strait of Juan de Fuca (i.e., Port of Port Angeles and Port Townsend). Establishment of a Neah Bay VOO also furthers implementation of the U.S. Coast Guard Reauthorization Act of 2010 calling for a Neah Bay Pilot Project. This is particularly important over the next biennium for the U.S. Coast Guard will be moving the High Volume Port Line from Port Angeles to Cape Flattery in July 2012 thereby requiring more response capability in the western strait and outer coast region.

- **Expansion of oil spill drills along the Strait and Coast (Strait ERN Work Plan ID#15g)** – The Strait of Juan de Fuca is the busiest commercial maritime waterway in Washington State for it receives traffic bound to and from the third largest port-complex in the US as well as Canada’s largest port. The rapid growth of tar sand oil being

exported from the port of Vancouver has significantly increased the risk of a large spill in the region. These unconventional oils will require unique response techniques to be developed. In addition, a proposed coal terminal near Bellingham will also significantly increase traffic of ships twice the size of tankers allowed to ply these waters.

Therefore it is critical that worst-case oil spill exercises, including equipment deployment, be conducted regularly in this region. The combined spill response assets housed in Neah Bay and Port Angeles afford substantial opportunities to drill. In addition, consider coordinating efforts with the Northwest Maritime Center (Port Townsend, WA) to host and expand drills and table-top exercises along the Strait of Juan de Fuca, outer Coast, and Puget Sound waterways utilizing their Pilothouse/Oil Spill Training Center currently under construction. Drills and exercises should incorporate vessels of opportunity, publicly funded response equipment caches, and maritime industry participants as well. All of these assets are owned by various different organizations, that if drilled together, would afford opportunities to improve efficiencies through coordination.

• **Improved Trans-boundary coordination on oil spills (Strait ERN Work Plan ID#15b)** – Over half of the Strait of Juan de Fuca is bordered by Canada. Therefore, it is critical that we continue to exercise our combined spill response capacity in this region. We support enhancement of the US and Canadian Coast Guards annual joint spill response exercises, known as CANUSPAC, on both sides of the border with additional equipment and personnel. These exercises primarily involve drilling the procedures necessary to bring a limited amount of response assets across the border. In addition, the U.S. Coast Guard Reauthorization Act called for our two countries to reevaluate the comparability of spill response, tug escort, and rescue towing assets on either side of the border as called for in the Combined Vessel Traffic Service Treaty. It is expected that this effort will commence this biennium. The BC/Pacific States Oil Spill Task Force has already documented the disparity of spill response capacity across the border. The completion of this review can serve to significantly improve our region’s combined capabilities. Additionally, the current estimates of Canadian vessel traffic projections need to be incorporated into updates of vessel traffic risk assessments.

**Page 17. Adapting for a Changing Climate.** It is important to note the significant impacts to treaty rights that can be caused by changes to fish migrations targeted tribal fishermen who are restricted in the area they can fish.

**Page 250. Oil spills (C10).** The oil spill workgroup got off to a good start but has not met for some time. However, the next meeting is likely to be in March – for that is when the BP Vessel Traffic Risk Assessment (VTRA) is to become publically available. In the mean time it is good to have Todd’s contribution to the rule process created by E2SB 1186 and his interest in the VTRA.

Replace section entitled, “Local Strategies” with, “Both the San Juan and Strait ERNs expressed strong interest in their risk exposure to oil spills along the border with Canada. They have identified a variety of near term actions associated with the ability to responds to spills quickly. This is timely given the increasing volumes of tankers exporting

“unconventional” tar sand oil from Canada. State and federal regulatory changes are underway associated with SB 1186 and the movement of the High Volume Port Line (HVPL) from Port Angeles to Cape Flattery in July 2012 requiring attention.

**Page 251 . C10.1 Spill Prevention:** Emphasize use of risk-based approaches to improve marine safety and protect our environment, economy and quality of life. The long awaited state of the art Vessel Traffic Risk Assessment for the Salish Sea required as part of the BP dock expansion will be released in March 2012. The two NTA’s identified in this section should both be directed in the context of utilizing that model to address the identified questions.

**C10.1 NTA 1: Assess trends in ship traffic, vessel incidents and incident notifications for use in targeting inspections and setting standards.**

**C10.1 NTA 2: Evaluate marine traffic risk assessment models that could be used to develop appropriate oil spill risk reduction measures.**

**Page 253 C10.2 LNTA 1: Divide Makah Tribal Council Oil Pollution Initiative and Vessel of Opportunity Program into two separate items:**

- 1) Makah Tribal Council Oil Pollution Initiative
- 2) Vessel of Opportunity Oil Spill Program

Overarching all these comments is need to continue to invest in the long term research and monitoring efforts that will enable us to effectively co-manage this increasingly vulnerable environment that is intrinsic to our life.

Sincerely,



Chad Bowe chop  
Makah Tribal Council  
Office of Marine Affairs