

Seattle Aquarium • Friends of the San Juans • Wild Orca • Communities for a Healthy Bay
Washington Environmental Council • Defenders of Wildlife • Puget Soundkeeper Alliance
Sound Action • Whale and Dolphin Conservation • RE Sources • Wild Fish Conservancy
Endangered Species Coalition • Olympic Environmental Council • Whale Scout

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Submitted via email to Scott.Zimmerman@ecy.wa.gov and the comment portal at https://sppr.ecology.commentinput.com/?id=9fmQS&utm_medium=email&utm_source=qovdelivery

Re: Phillips 66 Integrated Oil Spill Contingency Plan

Dear Scott Zimmerman,

Thank you for the opportunity to comment on the Phillips 66 Integrated Oil Spill Contingency Plan.

We believe the Phillips 66 Integrated Oil Spill Contingency Plan update (“Phillips 66 c-plan update”) is the first to include a public comment period since the January 18, 2022 24-month phase-in requirements to address monitoring and deterrence operations to prevent whales, including Southern Resident orcas, from encountering spilled oil (per [WAC 173-182-540\(2\)\(d\)](#)). Robust oil spill response planning and securing the necessary personnel and equipment for wildlife reconnaissance and deterrence are critical to keeping the critically endangered Southern Resident orcas away from an oil spill, which could imperil the survival of the species. Our comments therefore focus on *Appendix 3.12 Planning Standard: Wildlife Response* in the Phillips 66 c-plan update, and also relate to Ecology’s overall approach to and oversight of the 24-month phase-in requirements and their specific application to the Phillips 66 c-plan update.

Our primary interests in this matter are ensuring there are sufficient dedicated round-the-clock resources if a spill occurs; that robust investment in equipment and training has occurred (per [WSR 20-01-165](#)); and that the Southern Resident orcas will be monitored and hazing operations will occur in a timely manner to keep them out of a spill zone. This kind of robust capability is essential to prevent an oil spill from contributing to the further decline and even extinction of these endangered whales.

To comply with the 24-month phase-in requirements, the Phillips 66 c-plan relies on the [Marine Mammal Monitoring and Deterrence Options](#) page on OilSpills101.wa.gov, which relies heavily

on volunteer vessels of opportunity. This could result in an ineffective wildlife response. We request that Ecology update that webpage to make clear:

- Which personnel and equipment response resources are dedicated year-round; which are dedicated for some portion of the day/week/year; and which are non-dedicated response resources.
- Which resources are available in each geographic region. It should be clear in the case of the Phillips 66 c-plan what resources are available in the Tacoma region—and whether they are sufficient for both reconnaissance and deterrence operations.

Please also ensure that the Phillips 66 c-plan update provides information on whether they have service agreements for non-cascadable resources (resources that are restricted as to location rather than available for cascading to other locations) and/or resources that could be required for other competing or simultaneous oil spill or wildlife response needs. It is important that the wildlife response equipment and personnel identified in the Phillips 66 c-plan to meet the state's requirements are not all at risk of being deployed to out-of-state oil spill response operations. We want to be sure the 24-month phase-in wildlife response resources are not also identified as dedicated for spill response and/or other wildlife response needs in ways that would exceed their actual capacity to cover multiple demands in the event of one or more spills. Our interest is in ensuring that the identified response resources have the capacity and funding to be able to fulfill all of the responsibilities for which they are listed, if they were called on simultaneously, and that there are no misleading impressions about total available resources.

Finally, we would like to know when Phillips 66 (or its primary response contractor) will be required to complete vetting and contracting for vessels that can conduct marine mammal monitoring and deterrence operations, and how Ecology will verify and inform the public that it has been completed.

We look forward to your responses to these comments and appreciate your work to ensure that the wildlife response components of an oil spill response will be robust and provide timely protection of the Southern Resident orcas and other wildlife.

Sincerely,

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