

Guidance Document for Economic, Historical, and Cultural Resources at Risk

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Department of Fish and Wildlife
Office of Oil Spill Prevention and Response

INTRODUCTION

Purpose:

The goal of contingency planning is to provide information and resources necessary for a quick and efficient response to oil spills. This section is intended to assist owners/operators of inland facilities in complying with the identification and consideration of economic, historical, and cultural resources at risk. A comprehensive contingency plan will identify and map economically sensitive areas, including recreation areas, which could be adversely affected by an oil spill. In addition, plan preparers must consider the impact of an oil spill on historically and culturally sensitive areas. The location of historic and cultural resources may not be considered public information and this document will provide guidance on how to address these types of resources. This document is not intended to represent a comprehensive list of the information necessary for identification or consideration of economic, historical, and cultural resources at risk. Suggested contacts where further information may be obtained are provided in each section.

Summary:

A contingency plan should identify and map locations of economically sensitive areas which could be impacted by a spill as well as have a plan for how to consider historical and culturally important sites. A contingency plan must identify and describe the following resources at risk that may be impacted by a reasonable worst case oil spill from an inland facility into waters of the state, including locations on maps. These resources are listed in the California Code of Regulations at Subsection 817.04(i)(3):

- *The presence of commercial and recreation fisheries including aquaculture sites and other harvest areas;*
- *Public beaches, parks, marinas, boat ramps, and diving areas;*
- *Industrial and drinking water intakes, power plants, and other important underwater structures;*
- *Areas of known historical and archaeological sites (but not their specific description or location), and*
- *Areas of cultural or economic significance to Native Americans (but not their specific description or location).*

The contingency plan must describe the response strategies to protect pre-identified sites and resources at risk. The following sections contain definitions and further details about some of the above listed resources and provide contact suggestions for additional information.

Definitions:

Economically sensitive area:

An economically sensitive area is a location where the economic or recreational benefits from activities or uses would be significantly impaired, either temporarily or permanently, by the effects of an oil spill. Economic resources are designated as the third priority for dedication of oil spill response resources, following human health and safety and environmental resources.

Culturally sensitive area:

A culturally sensitive area is a location where traditional culture is or was shared within familial, ethnic, occupational, or regional groups. Examples include: ritual, religious, ceremonial, and gathering areas; habitat and burial sites; and areas related to handicraft or other technical skills, language, music, and oral history. Items that may be found in these areas include but are not limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Many areas of significance to Native Americans have been identified, but these locations are often confidential.

Historically/archaeologically sensitive area:

Historical resources are defined under the California Environmental Quality Act (CEQA) to include, but not be limited to: "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California." These historical resources would either be on or eligible to be listed on the National Register of Historical Places.

The CEQA defines an archaeological resource as one that: "A) is associated with an event or person of: 1) recognized significance in California or American history, or 2) recognized scientific importance in prehistory; B) can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions; C) has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind; D) is at least 100 years old and possesses substantial stratigraphic integrity; E) involves important research questions that historical research has shown can be answered only with archaeological methods."

These types of sites may include old cabins, homes, barns, ranches, homestead remains, mining sites, historic trash dumps, ditches and flumes, and emigrant trail systems. Prehistoric sites may contain grinding areas, flake scatters, dark midden soils, and rock art such as petroglyphs (pecked cupules that resemble small bedrock mortars) and pictographs (painted images). Non-fossilized and fossilized paleontological specimens may also be considered cultural resources, depending greatly on the context in which they were discovered.

ECONOMICALLY SENSITIVE RESOURCES

The contingency plan regulations call for identification of economically sensitive resources at risk from adverse effects of a reasonable worst case oil spill. A high quality map depicting the locations most likely to be affected by a spill and the sensitive economic resources within that area will be a valuable response tool for quick and efficient response. This section outlines several important or potentially sensitive economic resource types that should be addressed in the preparation of an oil spill contingency plan.

- *Industrial and drinking water intakes, power plants, and other important underwater structures:*

Any water intake portal or other similar facility structure that could be obstructed or damaged by an oil spill must be identified as potentially impacted by a release. In the event of a spill near a water intake, it is important to develop adequate protection strategies to reduce the public health threat from contaminated water designated for drinking and agriculture. The California State Water Quality Control Board maintains information about the location of various types of water intakes in California. The county and city water districts should also be contacted to determine potential threats to additional water intake portals.

Power plants may be at elevated risk since oil is transported here by ship, pipeline, truck, or train to generate electricity and many power plants also have associated water intakes for cooling systems. The California Energy Commission maintains information related to the location of power plants within the state. A map of power plant locations can be found on their website at:

http://www.energy.ca.gov/maps/powerplants/power_plant_statewide.html

- *The presence of commercial and recreational fisheries including aquaculture sites and other harvest areas:*

California inland waters support a wide variety of fish species. Most inland species inhabit streams and rivers of the central valley and north coast while some of the more rare species occur in isolated environments such as desert springs, intermittent streams, and alkaline lakes. In addition to these resident species, the central valley and coastal streams are home to several types of anadromous fish which are highly prized by both sport and commercial fishermen. California also sustains a diverse aquaculture industry which is active in almost every county in the state.

A significant oil spill could mandate a fisheries closure which may have a serious impact on the revenue generated from these industries. A fisheries closure will be declared if there is, or suspected to be, a public health risk due to consumption of affected finfish or shellfish. Information regarding commercial and recreational fishing can be obtained from the California Department of Fish and Wildlife (CDFW). CDFW also has an Aquaculture Coordinator who may provide information regarding the locations of aquaculture facilities.

- *Public beaches, parks, marinas, boat ramps, and diving areas:*

Many types of recreational activities such as boating, fishing, and swimming occur within waters of the state. In the event of a spill, public access to areas of recreational use will unavoidably be curtailed for at least the duration of a spill emergency response. As a matter of public health and safety, these locations need to be delineated in the contingency plan for rapid identification and potential closure. A variety of sources exist for information about significant aquatic recreation areas in California. Local county and city governments have recreation departments that can provide information about locations with a high level of public use. These economically sensitive areas include places such as local beaches and parks.

The California Department of Parks and Recreation (CDPR) maintains information about state parks and beaches and should be contacted if a reasonable worst case spill may impact a state park. The CDPR can provide a map of State Parks and the recreational services available at each location. If the spill is likely to affect national park lands, the National Park Service should be contacted.

Boating facilities such as marinas, piers, and launches are also considered economically sensitive resources at risk. The number of boating facilities or structures that need to be identified will depend upon the location of vessel or facility operations and spill trajectories. There are a few good sources for this information including local port or harbor districts, county and city departments (e.g., Parks and Recreation, Public Services), and California Department of Boating and Waterways (CDBW). The CDBW maintains a listing and database of all major boating facilities throughout the state.

HISTORICALLY AND CULTURALLY SENSITIVE RESOURCES

Many historical and cultural sites of significance within California have been identified near waters of the state. Therefore, an important and immediate consideration in the event of an inland oil spill is whether these resources may be impacted. The effect of oil upon these resources can be extremely damaging. Often of greatest concern to the preservation of historical and cultural resources are the response actions such as establishment of equipment staging areas and/or subsurface oil cleanup. The locations of cultural and historical resources are often confidential and difficult to identify visually. Therefore, pre-spill planning and prior identification of the appropriate contacts for the following resources becomes essential to provide best achievable protection.

- *Areas of known historical and archaeological sites (but not their specific description or location):*

The National Historic Preservation Act of 1966 (NHPA) established a policy for the protection of such historic and archaeological sites to avoid the loss of irreplaceable resources. It authorized establishment of the National Register of Historic Places (NR) which lists sites, districts, buildings, structures, and objects of significance in American history, architecture, archaeology, engineering, and culture. Section 106 of the NHPA requires any federal undertaking (e.g., an FOSC-led spill response) to consider the effects of their actions on historic and archaeological sites that are listed or eligible for listing on the NR. The California Office of Historic Preservation (OHP) and local Information Centers (ICs) may be of assistance in identifying these resources. The OHP and ICs maintain the California Historical Resources Information System (CHRIS), which is an elaborate database of statewide historical and cultural information. Access to this database is restricted to certified archaeologists, including the State Historic Preservation Officer (SHPO), to keep these resources as secure as possible. This database can be accessed during a spill to determine if there are sensitive resources that may be affected by the spill or spill response.

- *Areas of cultural or economic significance to Native Americans (but not their specific description or location):*

Along with historical and archaeological sites, much cultural resource information is confidential and only available from specific sources. If an oil spill occurs that may impact culturally sensitive areas, the Native American Heritage Commission (NAHC) should be contacted immediately by the FOSC or designee (e.g., Environmental Unit Leader of response). The NAHC can provide contact names and telephone numbers of appropriate local or regional Native American representatives. Facilities with operations that may impact areas of cultural sensitivity (i.e., tribal land) should demonstrate knowledge of these areas and include appropriate contacts in the oil spill contingency plan.

There are two primary documents that provide key guidance for historical and cultural resource protection. *The Programmatic Agreement on Protection of Historic Properties during Emergency Response under the National Contingency Plan* (PA) is a national guideline for providing protection to resources in an emergency. To support the PA by providing California-specific guidelines, the *Region IX FOSC Checklist to Facilitate Implementation of the National Programmatic Agreement on Protection of Historic Properties during Emergency Response under the National Oil and Hazardous Substances Pollution Contingency Plan* (FOSC Checklist) was created. The FOSC Checklist is consistent with the PA and condenses information into a series of checklists and forms for the Federal On-Scene Coordinator to use during a response. This document can be found in Appendix XIX of the Region 9 Regional Contingency Plan.

Contacts for Historical and Cultural Resources:

- The Office of Historic Preservation (OHP) within the California Department of Parks and Recreation, maintains the California Historical Resources Information System (CHRIS) which may be accessed only by a qualified individual.

California Department of Parks and Recreation

Office of Historic Preservation

1725 23rd Street, Suite 100

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Office (916) 445-7000

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Contact: Carol Roland-Nawi (SHPO)

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Contact: Jenan Saunders (Deputy SHPO)

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Contact: Eric Allison (CHRIS Coordinator)

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- The Information Centers are under agreement with the OHP to integrate newly discovered sites and information on known sites into the California Historical Resources Information System, supply information on known sites and archeological surveys to governments, institutions, and individuals who have a justifiable need to know, and supply a list of consultants (i.e. Historical Properties Specialists) who are qualified to do archeological field work within their area.

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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**THE CALIFORNIA HISTORICAL RESOURCES
INFORMATION SYSTEM**

The following institutions are under agreement with the Office of Historic Preservation to:

1. Integrate information on new Resources and known Resources into the California Historical Resources Information System.
2. Supply information on resources and surveys to government, institutions, and individuals who have a need to know.
3. Supply a list of consultants qualified to do historic preservation fieldwork within their area.

COORDINATOR: Mr. Eric Allison, Associate Information Systems Analyst, (916) 445-7044

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	Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Yolo		Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity
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		Ms. Robin Laska, Acting Coordinator San Bernardino Archeological Information Center San Bernardino County Museum 2024 Orange Tree Lane Redlands, CA 92374	(909) 798-8623 No Fax rlaska@sbcn.sbcounty.gov San Bernardino
		Dr. M. C. Hall, Coordinator Eastern Information Center c/o Dept. of Anthropology University of California Riverside Riverside, CA 92521-0418	Attn: Gayat Adame (951) 827-5745 No Fax eickw@ucr.edu Inyo, Mono, Riverside

- Many of the areas of significance to Native Americans are known or have been identified, but are often considered confidential information and therefore not publicly available. The California Department of Parks and Recreation owns State park and beach properties along the coast. At the time of a spill, State Park Archeologists should be notified to evaluate known cultural resources sensitivity within park lands and to determine if a Native American representative is required to be on scene of a response. Contact information for local or regional Native American representatives may be obtained from the Native American Heritage Commission.

Native American Heritage Commission

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