

## APPENDIX III

### NATIONAL RESPONSE SYSTEM – FEDERAL AGENCY RESPONSE AUTHORITIES AND SUPPORT

**Department of Agriculture:** The U.S. Forest Service is the designated USDA representative to the RRT. USDA maintains a Regional Emergency Team in each of the [nine Standard Federal](#) Regions to provide liaison and coordination with Federal agencies operating on a Regional basis. Regional Emergency Teams are composed of representatives of USDA agencies having essential emergency functions at the Regional level. These agencies are:

Forest Services (FS) - responsible for prevention and control of fires in rural areas, in cooperation with State Foresters and appropriate Federal agencies; and emergency production, availability, and utilization of timber and timber products, in cooperation with the Department of Commerce. The agency has capabilities to provide emergency communications systems, specialized aircraft, and human support facilities for large groups of people, and has specially trained incident management teams.

Food and Nutrition Service (FNS) - through the Food Distribution Program, provides food as emergency assistance to disaster victims. In appropriate emergency situations, FNS will authorize State agencies to issue food stamps based on emergency procedure.

Food Safety and Inspection Service (FSIS) - tests meat and poultry products for the presence of violative drugs, chemical residues, and other adulterants.

Agricultural Stabilization and Conservation Service (ASCS) - in cooperation with the Forest Service, Soil Conservation Service, and the U.S. Army Corps of Engineers, is responsible for emergency plans and preparedness programs for food processing, storage, and distribution through the wholesale level.

Animal and Plant Health Inspection Service (APHIS) - provides expertise on plant and animal diseases and health.

National Agricultural Statistics Service - serves as a source of data on crops, livestock, poultry, dairy products, and labor. State Statistical Offices collect and publish Local information on these topics.

**Department of Commerce:** DOC, through the National Oceanic and Atmospheric Administration (NOAA), has three roles within Region 9: 1) Scientific Support Coordinator (SSC), in accordance with the NCP; 2) National Resource Trustee, in accordance with the NCP; and 3) RRT member.

The SSC provides scientific advice to support the Federal OSC in operational decisions that will protect the environment effectively, mitigate collateral harm, and facilitate environmental recovery. The SSC advises on other technical issues (as requested by the OSC) after consulting with the appropriate NOAA hazardous materials (HAZMAT) resources or other Federal, State, or academic networks.

This includes considering advice from the trustee agencies (including the NOAA HAZMAT RRT member), and any divergent opinions.

The RRT member, as DOC's representative, has the same primary goal: to support the appropriate RRT Co-Chair who supports the Federal OSC by providing advice and resources that will protect the environment effectively, mitigate collateral harm, and facilitate environmental recovery. The RRT member carries out his goal through two primary roles: 1) as a representative of DOC's policy responsibilities (such as its trusteeship) and 2) as an access point to other DOC resources and expertise, usually outside of NOAA HAZMAT. These two roles are the responsibility of all DOC representatives, whether from NOAA HAZMAT, NOAA National Marine Fisheries Service (NMFS), or NOAA National Weather Service (NWS). In both roles, the RRT member primarily provides an index to other parts of DOC for the RRT Co-Chair who supports the OSC.

It should be emphasized that the RRT member is more than a trustee. He or she

(a) Is a gateway to other parts of DOC and NOAA that have primary roles in carrying out NOAA's trusteeship role during spills;

(b) Works through the appropriate RRT Co-Chair to represent DOC and NOAA;

(c) If needed, helps the NOAA SSC provide technical assistance; and

(d) If needed, represents NOAA HAZMAT at meetings where the SSC cannot be present.

Under OPA and the NCP, NOAA has specific responsibilities as a natural resource trustee which include:

(a) Receiving notification of potential or actual spills threatening NOAA resources;

(b) Being consulted on the preparation of the fish and wildlife and sensitive environments annex (this includes concurring on specific countermeasures or removal actions during the contingency planning phase);

(c) Being consulted on removal actions during an incident; and

(d) Implementing damage assessment activities.

All of these activities are intended to minimize impacts and to restore the environment.

This member can provide scientific expertise on living aquatic resources for which it is responsible; provide current and predicted meteorological, hydrologic, ice, and limnological conditions; provide charts and maps; and provide communication services to the general public, various levels of government, and the media via its NOAA weather wire and NOAA weather radio systems.

**Department of Defense:** DOD, consistent with its operational requirements, may provide assistance in critical oil and hazardous materials incidents, in the maintenance of navigation channels, and in removal and salvage of navigation

obstructions. The DOD will provide the OSC and RRT Chair for releases occurring on DOD property or facilities.

U.S. Army Corps of Engineers (COE) - has specialized equipment and personnel for maintaining navigation channels, for removing navigational obstructions, for accomplishing structural repairs, and for performing maintenance to hydropower electric generating equipment. COE can also provide design services, perform construction, and provide contract writing and contract administration services for other Federal agencies.

U.S. Navy Supervisor of Salvage (SUPSALV) - is knowledgeable and experienced in ship salvage, shipboard damage control, and diving, and has equipment for salvage-related and open-sea pollution incidents.

**Department of Energy:** DOE provides the designated OSC/RPM for responses to releases on or from any facility or vessel under its jurisdiction. DOE administers, implements, and coordinates the Federal Radiological Monitoring and Assessment Plan (FRMAP). Under the Federal Radiological Emergency Response Plan (FRERP), DOE provides advice and assistance to the RRT regarding the identification of the source and extent of radioactive contamination, and removal and disposal of radioactive releases.

**Federal Emergency Management Agency:** FEMA requires the development, evaluation, and exercise of all-hazard plans for all FEMA-funded jurisdictions at the State and Local levels. SARA Title III plans are often annexes of the all-hazard plan. FEMA monitors and provides technical assistance regarding public sector emergency response training and planning for incidents involving hazardous materials. In a response, FEMA provides advice and assistance to the lead agency on coordinating relocation assistance and mitigation efforts with other Federal agencies, State and Local governments, and the private sector.

If the President declares a disaster or emergency, FEMA coordinates all Federal assistance, including temporary housing. The OSC coordinates with the FCO in a situation where both authorities are active.

FEMA's national Emergency Support Team and Regional Support Teams provide coordination of Federal response in extraordinary situations of unique national significance, such as commercial nuclear power plant or nuclear weapons accidents and catastrophic natural disasters.

References to FEMA throughout the plan are fine except as noted:

1. page 32, para 2.11.3. DELETE last sentence. (FEMA has existing contracts with consultants that provide "Crisis /Stress management training and "Crisis debriefing course" and material received from previous contracts are property of consultants and not FEMA.)
2. page 37 para 3.5.1 HOLD TIL THURSDAY AFTERNOON. I will be on a conference call with all our HazMat Regional reps and HQ and this is one subject we will discuss. This may default to us (RRT) to decide?!?!)

3. page 50, para 5.2.1 (3) DELETE in it's entirety.
4. page 64, para 6.5, DELETE "only if assigned it by FEMA"

Bill, in reference to page 37, para 3.5.1, during the conference call this morning, consensus (HQ and Regional HazMat reps) is to DELETE the para in it's entirety. FEMA is not developing the guidance for the hazmat community. It is a Local community's call to either evacuate or shelter in place.

OR . . . Suggest that the paragraph be replaced with something that puts the decision making on to the local gov't.

**General Services Administration:** GSA upon request provides expedited logistical and telecommunications support to Federal agencies which are members of the NRT. The support includes, but is not limited to, provision of space, transportation, telecommunications, supplies, and procurement-related services. Services may be furnished through GSA personnel who are located at the scene of the oil or hazardous material release, or at their regular duty stations, depending on the specific requirements of the Federal OSC or the emergency situation. Expenses incurred by GSA in providing requested assistance to other agencies must be reimbursed. The GSA Regional Emergency Coordinator, who has been appointed in each of the ten Standard Federal Regions, is the primary Point-of-Contact for provision of emergency services. See [Appendix](#) --.

**Department of Health and Human Services:** HHS assists with the assessment, preservation, and protection of human health and helps ensure the availability of essential human services. HHS provides technical and nontechnical assistance in the form of advice, guidance, and resources to other Federal agencies, as well as State and Local governments.

The principal HHS response comes from the U.S. Public Health Service (PHS). Within PHS, the primary response to a hazardous materials emergency comes from ATSDR and the Centers for Disease Control (CDC). Both ATSDR and CDC have a 24-hour emergency response capability wherein scientific and technical personnel are available to provide technical assistance to the lead Federal agency and State and Local response agencies on human health threat assessment and analysis, and exposure prevention and mitigation. Such assistance is used for situations requiring evacuation of affected areas, human exposure to hazardous materials, and technical advice on mitigation and prevention.

Agency for Toxic Substances and Disease Registry - ATSDR is the lead Federal public health agency for hazardous material incidents under CERCLA. Two ATSDR representatives are assigned to each U.S. EPA Region to assist in U.S. EPA/ATSDR communications. Regional representatives can also assist in emergency response events that involve RRT issues by coordinating with ATSDR headquarters Emergency Response and Consultation Branch and with the CDC RRT representative. Under CERCLA Section 104(i), ATSDR is required to:

- (a) Establish appropriate disease/exposure registries;

(b) Provide medical care and testing of exposed individuals in cases of public emergencies;

(c) Develop, maintain, and provide information on health effects of toxic substances;

(d) Conduct research to determine relationships between exposure to toxic substances and illness;

(e) Together with U.S. EPA, develop guidelines for toxicological profiles for hazardous substances; and

(f) Develop educational materials related to health effects of toxic substances for health professionals.

Additionally, ATSDR operates a 24-hour number to address public health issues.

Centers for Disease Control and Prevention - CDC takes the lead during oil releases regulated under CWA and OPA. PHS has designated the CDC representative to the RRT. This person is responsible for coordinating all public health responses on the Federal level and for coordinating all responses with State and Local health agencies.

Other PHS agencies involved in support during hazardous materials incidents, either directly or through ATSDR/CDC, include the Food and Drug Administration (FDA), the Health Resources and Services Administration, the Indian Health Service, and the National Institutes of Health (NIH).

Table of Contents:

Under Operations, there's no mention of or category for WMD events -- do you know if any other RRTs have a special category for such issues? Our table of contents has a myriad of special categories for everything else, which makes me think a section for WMD response would not be inappropriate. Of course, then we'd have to develop a section on what's special about a WMD response. Some language stating that a WMD event often is both a hazmat scene and a crime scene might suffice. We can discuss if you want.

Page 13:

2.6.2. (a) Threat to human health...

SECTION (j) COULD BE COMBINED WITH (a) OR REFERENCED TO CONNECT THE TWO SECTIONS.

Page 20:

Department of Health and Human Services:

DELETE FIRST SENTENCE OF SECOND PARAGRAPH: "The principal HHS response comes from...PHS". Next sentences should read, "WITHIN HHS, THE OFFICE OF EMERGENCY PREPAREDNESS (OEP) COORDINATES FEDERAL HEALTH AND MEDICAL RESOURCES, INCLUDING THE NATIONAL DISASTER MEDICAL SYSTEM (NDMS), TO PROVIDE EMERGENCY MEDICAL CARE, WHEN APPROPRIATE, TO PERSONS INJURED BY HAZARDOUS MATERIALS EXPOSURE. THE OEP HAS A 24-HOUR EMERGENCY RESPONSE CAPABILITY. ALSO UNDER HHS, THE ATSDR AND THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) HAVE A 24-HOUR EMERGENCY RESPONSE CAPABILITY..."

Next sentence should read: SUCH ASSISTANCE IS USED FOR SITUATIONS REQUIRING GUIDANCE TO INCIDENT COMMANDERS ON THE HEALTH EFFECTS OF HUMAN EXPOSURE TO HAZARDOUS MATERIALS AND FOR TECHNICAL ADVICE ON MITIGATION AND PREVENTION.

Also on Page 20, Section (b) says that ATSDR is required to: "Provide medical care and testing of exposed individuals in cases of public emergencies". While the CFR may use that language, ATSDR is not prepared to provide medical care on behalf of HHS. The HHS Office of Emergency Preparedness IS prepared to do so -- ATSDR can conduct the "testing" part of this statement. So Under the DHHS section, I'd include the following new text (probably after the ATSDR and CDC sections):

OFFICE OF EMERGENCY PREPAREDNESS - OEP IS THE LEAD FEDERAL AGENCY FOR THE COORDINATION AND PROVISION OF MEDICAL CARE UNDER THE FEDERAL RESPONSE PLAN. AN OEP EMERGENCY COORDINATOR IS ASSIGNED TO EACH HHS/EPA REGION TO COORDINATE THIS ASSISTANCE AT THE REGIONAL LEVEL. UNDER THE FRP, OEP COORDINATES THE PROVISION OF THE FOLLOWING HEALTH AND MEDICAL ACTIVITIES:

(A) ASSESSMENT OF HEALTH AND MEDICAL NEEDS

(B) HEALTH SURVEILLANCE

(C) MEDICAL CARE PERSONNEL

(D) HEALTH/MEDICAL EQUIPMENT AND SUPPLIES

(E) PATIENT EVACUATION

(F) IN-HOSPITAL CARE

(G) WORKER HEALTH/SAFETY

(H) TECHNICAL ASSISTANCE ON THE HEALTH EFFECTS OF  
CHEM/BIO/RAD HAZARDS

(I) MENTAL HEALTH COUNSELLING

(J) PUBLIC HEALTH INFORMATION

(K) VICTIM ID/MORTUARY SERVICES

Page 21:

Under the CDC section, first sentence is okay. Second and third sentences are suspect -- I'd delete them. Insert the following: "CDC can provide access to expert technical assistance on public health issues relating to human exposure to hazardous materials. The 24-hour emergency response number for CDC in Atlanta, GA is 770-488-7100."

In the following paragraph, change PHS to HHS.

Page 51:

Under Special Teams, I'd add in a heading for:

NATIONAL DISASTER MEDICAL SYSTEM  
(800) USA-NDMS [(800) 872-6367]

The National Disaster Medical System (NDMS), a resource of ESF #8 under the Federal Response Plan, can provide teams of deployable emergency response medical personnel to:

- (1) Triage patients
- (2) Provide austere medical care
- (3) Prepare patients for evacuation
- (4) Augment overwhelmed health care staffs

- (5) Provide assistance with decontamination of persons exposed to hazardous materials
- (6) Provide assistance with decontamination of the deceased

To accomplish these functions, NDMS oversees the development and readiness of the following teams of medical personnel:

- (1) Disaster Medical Assistance Teams (DMATs)
- (2) National Medical Response Teams - WMD (NMRTs)
- (3) Disaster Mortuary Operations Response Teams (DMORTs)

**Department of the Interior:** DOI can provide information concerning the lands and resources specifically under DOI jurisdiction, as well as offer technical expertise related to geology, hydrology, minerals, fish and wildlife, cultural resources, and recreation resources. Under Executive Order 12580, DOI is designated by the NCP as a Federal Trustee for Natural Resources.

DOI has direct jurisdiction for the protection of resources on its own lands, as well as trustee responsibilities for certain natural resources, regardless of location. The DOI natural resource trusteeship that extends beyond DOI site boundaries includes migratory birds, anadromous fish, and endangered/threatened species and their critical habitat.

The Office of Environmental Policy and Compliance represents DOI on the RRT, and is responsible for coordinating RRT/DOI activities. Within the Department, individual bureaus and offices have specific responsibilities and capabilities as follows:

Office of Environmental Policy and Compliance (OEPC) - operates within the Office of the Secretary, and is responsible for policy development and coordination of the diverse interests of DOI. The Regional Environmental Officer (REO) is DOI's RRT representative and provides a number of services, including the DOI position on chemical countermeasure and in-situ burn decisions, liaison for technical assistance requests from the OSC, administrative details to secure response cost reimbursement approval from the OSC, and initial coordination for natural resource damage assessments (NRDAs).

U.S. Fish and Wildlife Service (USFWS) - manages, protects, and provides expertise on migratory birds. Federally listed threatened and endangered species and their designated critical habitat, certain anadromous fish, and certain Federal lands (National Wildlife Refuges, Waterfowl Production Areas, and National Fish Hatcheries). FWS provides responders with information concerning these resources, as well as technical assistance concerning the effects of oil on these resources. In addition, it will help coordinate wildlife rescue and rehabilitation efforts in conjunction with the State and other Federal and Tribal natural resource trustee(s). The Service is responsible for assessing damages to natural resources as a result of releases of oil or hazardous substances into the environment, and issues pertaining to Federal Migratory Bird Permits (to qualified individuals and/or organizations that may be available to conduct wildlife rehabilitation operations related to oil spill incidents).



Will authorize entry and any activity occurring on refuge system lands owned by the U.S. Provide advice on migratory birds, anadromous fish, certain marine mammals, sea turtles on-shore, and endangered and threatened species. Including advice on appropriate clean-up techniques, resource protection actions, and clean-up end points. Will coordinate with State and other Federal RRT representatives and appropriate wildlife management agencies in establishing bird collection, cleaning and recovery centers, and directing the actions of professional and volunteer groups who desire to assist in these activities. Will coordinate all Federal permitting activities for the collection, rescue, and rehabilitation of migratory birds or threatened and endangered species.

National Biological Service - performs research in support of biological resource management; inventories, monitors, and reports on the status and trends in the nation's biologic resources; and transfers the information gained in research and monitoring to resource managers and others concerned with the care, use, and conservation of the nation's natural resources. The National Biological Service has laboratory/research facilities.

National Park Service (NPS) - provides expertise on historic, archeological, architectural, and recreational resources and sites on the National Register of Historic Places. The NPS can also provide information on units of the national park system, including national parks, lake and sea shores, monuments, national historic sites, rivers, and recreation areas.

Will provide advice on or participate in response affecting National Park System lands (National Parks, National Recreation Areas, National Historic Sites, and National Trails), historic and cultural resources, and wild and scenic rivers.

U.S. Geological Survey (USGS) - provides advice and information concerning geohydrologic, geologic and geochemical data, and ground and surface water data, as well as maps. USGS maintains stream flow gauges in every State and can provide historical stream flow information, assist in predicting the time/travel/trajectory of spills, and can collect and analyze surface and groundwater samples.

Bureau of Indian Affairs (BIA) - has responsibility to protect Native American trust resources and to facilitate an active role in planning and response for Tribal governments who wish to do so. BIA coordinates activities affecting Native American Tribal lands, and provides assistance in identifying Native American Tribal government officials.

Facilitates communication and coordination among tribal officials, response agencies, and natural resource trustees. For Indian trust resources, which are injured, or threatened to be injured, serves as trustee to protect and improve these resources. As a natural resource trustee, provides tribal consultation, technical input, and fosters a government-to-government relationship among tribal, federal, state, and local governments.

On request, will assist in coordination of activities affecting Indian lands, and in identifying Indian Tribal government officials. Assist in obtaining access to Indian Land areas as needed for response action. Will coordinate with the incident Public Information Officer to ensure that pertinent information is made available to Tribal authorities on a timely basis.

Bureau of Land Management (BLM) – has experience in solid and fluid minerals; watershed protection and restoration; soil, water and air resources; hazardous materials management, vegetation management (range management, fuel reduction, weed control management, and forest practices); cultural and archaeological resources; fish and wildlife management, including endangered species; and public recreation management.

Will provide advice and assistance on responses affecting land and/or mineral resources administered by BLM. This includes National Monuments, California Coastal Monuments, Special Management Recreation Areas, National Conservation Areas, National Scenic and Historic Trails, and Wild and Scenic Rivers.

Office of Surface Mining Reclamation and Enforcement (OSM) – provides advice in incidents involving surface coal mining; abandoned coal mined lands, coal outcrop fires, mine waste bank stability, and toxic mine drainage.

Minerals Management Service (MMS) – provides expertise in the field of offshore oil and gas drilling, production and transportation by pipeline. Provides expertise in the area of stopping or suppressing sources of pollution from offshore oil and gas facilities. Provides expertise in the areas of offshore oil spill response including oil spill trajectory analysis, crude oil characteristics, in-situ burning, and response equipment effectiveness.

U.S. Geological Survey (USGS) – provides advice and information concerning geohydrologic, geologic and geochemical data, and ground and surface water data, as well as maps. USGS maintains stream flow gauges in every State and can provide historical stream flow information, assist in predicting the time/travel/trajectory of spills, and can collect and analyze surface and groundwater samples.

Will provide expertise in geology, hydrology, and biological resources. This includes providing real-time flow data to OSCs during spill response.

Bureau of Reclamation (BOR) – provides advice on operation and maintenance of dams, reservoirs, and water conveyance systems; engineering and hydrology; and design services, construction oversight, contract writing and administration. Provide information on current and predicted channel flow volumes, where watercourses are controlled by dams or other control structures under their management or control. Will, to the extent possible, alter the channel flow volumes of watercourses from control structures under their management authority to reduce the negative environmental effects of a pollution incident or assist in spill response operations.

All bureaus of the Department of the Interior may be contacted through the Regional Environmental Officer, the designated member of the RRT.

## **Federal Natural Resource Trustees & ICS/UC**

### **Department of the Interior (DOI)**

The following describes DOI emergency response and natural resource damage assessment and restoration (NRDAR) activities, as well as resources for which DOI is responsible, authorities under which DOI operates programs relevant to response, and information on response-related functions of the DOI Bureaus and Offices.

## **II. DOI Response and NRDAR Activities**

### *A. Response*

#### *1. Activities*

DOI, through its Bureaus and Offices, can perform the following three response functions during an oil discharge or release of hazardous materials:

- Scientific/technical assistance to OSC: DOI scientists and technical experts provide expertise and advice to support the Federal OSC in and help to carry out operational decisions that will protect sensitive natural, recreational, and cultural areas and resources; mitigate collateral harm; and facilitate environmental recovery. This may include overseeing wildlife rescue and rehabilitation operations, and permitting requirements.
- Participate in incident-specific activations of the Regional Response Team (RRT): The DOI RRT member, who is the Regional Environmental Officer (REO) in the Office of the Secretary, supports the OSC, through the RRT Co-Chair, by providing advice and access to DOI Bureau resources and by representing the policies of the DOI. Based on input from appropriate DOI Bureaus, the REO provides the formal concurrence for DOI, pursuant to the NCP, on the use of different spill countermeasures. The REO is ultimately responsible for ensuring coordinated DOI participation in response.
- Act as a First Federal Official on spills on DOI lands: If a discharge or release affects land under DOI jurisdiction, the land manager may participate as the First Federal Official, a member of the Unified Command and/or appropriate sections of the ICS.

Response Notification: The REO is the OSC's point of contact for trustee notification and is responsible for notifying DOI Bureaus and Offices, as appropriate.

#### *2. DOI Bureau/Office Participation in the ICS/UC*

Through the Planning Section:

- Provide technical expertise concerning natural and cultural resources under DOI jurisdiction or control.
- Identify permitting requirements and assist in obtaining necessary permits.

- Develop environmental monitoring plans.

Through the Operations Section:

- Oversee wildlife rescue and rehabilitation activities.
- Participate in team assessing clean-up.
- Assist in controlling site access for incidents on DOI land.
- Make DOI equipment available to assist in clean-up. For a spill on DOI land, this function may be accomplished through the Logistics Section.

As member of the Unified Command, participate in decision-making on aspects of response that affect DOI lands, resources, and facilities.

### *B. NRDAR Activities*

DOI can perform the following natural *resource damage assessment and restoration* functions during an oil discharge or release of hazardous materials:

Conduct activities relating to natural resource damage assessment and restoration. Damage assessment is carried out by DOI Bureau personnel responsible for the affected resource(s).

Act as lead administrative trustee on spills on lands or affecting facilities or resources under DOI trusteeship. A Bureau representative, or a Natural Resource Damage Assessment and Restoration Regional Coordinator or the REO (both in the Office of the Secretary) may serve as the point of coordination between NRDAR and response activities.

## **III. *DOI Resources***

Resources for which the DOI is responsible include:

- All life stages, wherever they occur, of anadromous fish (fish that begin life in fresh water and live part of their lives in the ocean);
- Migratory birds;
- Certain marine mammals (sea otters, polar bears, walrus, and manatee);
- Sea turtles when they are onshore;
- Federally endangered and threatened species, including designated critical habitat, for which DOI is responsible;
- Habitats supporting these resources; and
- The living, non-living, and cultural resources of lands under DOI jurisdiction, including but not limited to Public Lands managed by the Bureau of Land Management (BLM), national Fish Hatcheries, units of the National Park System and the National Wildlife Refuge System; and Indian country and treaty-protected and subsistence natural resources.

#### IV. *Authorities*

DOI has numerous natural resource trustee, land management, and resource management authorities that could be in force during emergency response. The following is a partial list:

- *The Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990 (OPA)* -- for receiving notifications of potential and actual spills, consulting on the fish and wildlife and sensitive environments annex of the ACP (which includes concurrence on specific countermeasures), consulting on removal actions during an incident, and implementing damage assessment activities.
- *The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA))* details the emergency response authority of response agencies (usually EPA or USCG) and damage assessment authority of trustees for releases of hazardous substances. Under this Act, the response agency must notify trustee agencies about releases that may affect their resources, so they can initiate a damage assessment investigation.
- *The National Oil and Hazardous Substances Pollution Contingency Plan (NCP; 40 CFR 300)* – details the responsibilities of Federal agency members of the National Response System, coordination and consultation between OSCs and natural resource trustees, and responsibilities of natural resource trustees.
- *Endangered Species Act (ESA)* -- requires the federal agency taking the "action" (i.e., the OSC's) to consult with the delegated office (which is the U.S. Fish and Wildlife Service for Protected Species) on the potential effects that the spill or the response activities might have on those species or their critical habitat. This extends to associated response activities such as increased vessel traffic or the presence of cleanup workers near nesting or haulout sites, etc. The REOs can provide the OSC information on how to contact appropriate FWS personnel.
- *Archeological Resources Protection Act (1979)*-- defined archeological resources; required federal permits for their excavation or removal and set both criminal and civil penalties for violators; provided for preservation and custody of excavated materials, records, and data; provided for confidentiality of archeological site locations; encouraged cooperation with other parties to improve protection of archeological resources. Amended in 1988 to require, among other things, development of systems for reporting incidents of suspected violations.
- *Archeological and Historic Preservation Act* – amended the 1960 Reservoir Salvage Act, which had provided for the recovery and preservation of historical and archeological data (including relics and specimens) that might be lost or destroyed in the construction of dams and reservoirs. Amendments in 1974 extended preservation to include

significant scientific, prehistoric, historic, and archeological materials and data that might be lost or destroyed as a result of federally sponsored projects; provided guidance on unanticipated discoveries and that up to one percent of authorized project costs could be applied for survey, data recovery, analysis, and publication.

- *Bald Eagle Protection Act of 1940*—Prohibits taking, possession, or commerce of bald and golden eagles, with certain exceptions.
- *Fish and Wildlife Act of 1956*—Directs the Secretary of the Interior to take steps required for the management, conservation, and protection of fishery resources.
- *Fish and Wildlife Coordination Act of 1934* --authorizes the Secretary of the Interior to study the effects of pollution on fish and wildlife, among other purposes.
- *Indian Treaties and Executive Orders and legislation related to American Indians and Alaska Natives*
- *Migratory Bird Treaty Act* – makes it unlawful, except as permitted by FWS regulations, “to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, . . . transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird . . .”
- *Marine Mammal Protection Act of 1972*– Prohibits the taking of marine mammals.
- *National Historic Preservation Act of 1966* – declared a national policy of historic preservation; authorized the Secretary of the Interior to create and maintain a National Register of Historic Places; established the Advisory Council on Historic Preservation; required federal agencies to consider the effects of their undertakings on properties listed on or eligible for listing on the National Register of Historic Places; required federal agencies to develop and maintain their own historic preservation programs.
- *National Wildlife System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997* – broad prohibition against any activities on lands within refuge system except as permitted by FWS. Statute provides that no person shall enter, use, or otherwise occupy any refuge area for any purpose, unless such activities are permitted by FWS regulations, expressly permitted in the organic document creating the specific unit of the refuge system, or are management activities conducted under FWS authority.
- *Federal Land Policy and Management Act* – the “Organic Act” for the BLM, which articulates the policy that Public Lands should be managed for multiple use.

- *Organic Act of 1916 and amendments*—defines the NPS mission and the purposes of the parks, which includes the requirement that protection, management, and administration of all units of the national park system are to be done in a way that protects and does not diminish the value and purposes for which each area was established, unless specifically and directly provided for by Congress.
- *Outer Continental Shelf Lands Act*—charges the US Department of the Interior with managing the exploration and development of mineral resources on the Federal Outer Continental Shelf. Under OCSLA, the Minerals Management Service issues oil and gas leases, assesses resource potential, and regulates operations to protect safety and prevent pollution.
- *Park Protection Act*—provides equal protection to any living or non-living resource located within the boundaries of a unit of the NPS. This includes terrestrial, aquatic, cultural (historic or archeological), and infrastructure resources. It provides for cost recovery of response cost, including the costs of actions taken by the Secretary of the Interior to prevent or minimize destruction, or loss of, or injury to park system resources; or to abate or minimize the imminent risk of such destruction, loss, or injury; or to monitor ongoing effects of incidents causing such destruction, loss, or injury. The party responsible for destruction, loss of, or injury to park system resources is liable for response costs and damages.
- *Individual park legislation*

## V. DOI BUREAU INFORMATION

Response-related functions of the DOI Bureaus are as follows:

### Fish and Wildlife Service:

Authorize entry and any activity occurring on refuge system lands owned by the U.S.

Provide advice on migratory birds, anadromous fish, certain marine mammals, sea turtles on-shore, and endangered and threatened species. This includes advice on appropriate clean-up techniques, resource protection actions, and clean-up end points.

Coordinate with State RRT representatives and appropriate wildlife management agencies in establishing bird collection, cleaning and recovery centers, and directing the actions of professional and volunteer groups who desire to assist in these activities.

Coordinate all Federal permitting activities for the collection, rescue, and rehabilitation of migratory birds or threatened and endangered species.

Additional information on the FWS spill response program may be found in the FWS fact sheet attached to this [APPENDIX --](#). [Not yet available.]

### National Park Service:

Provide advice on or participate in response affecting National Park System lands (National Parks, National Recreation Areas, National Historic Sites, National Trails), historic and cultural resources, and wild and scenic rivers.

Geological Survey:

Provide expertise in geology, hydrology, and biological resources. This includes providing real-time flow data to OSCs during spill response.

Office of Surface Mining:

Provide advice in incidents involving surface coal mining; abandoned coal mined lands, coal outcrop fires, mine waste bank stability, and toxic mine drainage.

Bureau of Reclamation:

Provide advice on operation and maintenance of dams, reservoirs, and water conveyance systems; engineering and hydrology; and design services, construction oversight, contract writing and administration.

Provide information on current and predicted channel flow volumes, where watercourses are controlled by dams or other control structures under their management or control.

Will, to the extent possible, alter the channel flow volumes of watercourses from control structures under their management authority to reduce the negative environmental effects of a pollution incident or assist in spill response operations.

Bureau of Indian Affairs (BIA) – Facilitates communication and coordination among tribal officials, response agencies, and natural resource trustees. For Indian trust resources, which are injured, serves as trustee to protect and improve these resources. As a natural resource trustee, provides tribal consultation, technical input, and fosters government-to-government relationships among tribal, federal, state, and local governments.

Bureau of Land Management:

May provide expertise in oil and gas drilling, production, storage, and pipeline transportation operations.

May provide expertise and assistance on oil spill response actions in the California Coastal National Monument.

Minerals Management Service:

Provide expertise in the field of offshore oil and gas drilling, production and transportation by pipeline.

Provide expertise in the area of stopping or suppressing sources of pollution from offshore oil and gas facilities.



Provide expertise in the areas of offshore oil spill response including oil spill trajectory analysis, crude oil characteristics, in-situ burning, and response equipment effectiveness.

**DOI Office of Aircraft Services**

Provide access to DOI-approved aircraft. Provide inspection and certification teams to certify aircraft on-scene. Provide assistance in air traffic control.

**Department of Justice:** DOJ members of the RRT serve as representatives of the Department of Justice and not as legal counsel to the RRT or its member agencies. Although the DOJ representative to the RRT is not a substitute for member agencies' in-house counsel, the DOJ representative will be able to offer the advice, views, and expertise of the Department with respect to the RRT's long-term planning and incident-specific functions.

Generally speaking, the Department's primary role is to serve as litigation counsel for the Federal government and as legal counsel on enforcement and inter-agency matters. As a consequence, DOJ participation in RRT activities will ordinarily focus on litigation concerns regarding response activities and inter-agency coordination. In this capacity, the role of the DOJ representative might include: general legal advice; review and comment on regional planning and procedural documents; and incident-specific assistance, including assigning staff attorneys when the incident may result in litigation or raise difficult issues of interagency coordination.

**Department of Labor:** DOL, through the Occupational Safety and Health Administration (OSHA), conducts safety and health inspections of hazardous waste sites and during emergencies to ensure that employees are being protected and to determine compliance with its regulations. Through OSHA, DOL will also provide the OSC/RPM with advice, guidance, and assistance regarding hazards to persons involved in removal or control of oil or chemical spills and in the precautions necessary to prevent endangerment of their health and safety.

**Nuclear Regulatory Commission:** The Nuclear Regulatory Commission will respond, as appropriate, to releases of radioactive materials by its licensees, in accordance with the NRC Incident Response Plan to monitor the actions of those licensees and assure that the public health and environment are protected and adequate recovery operations are instituted. The Nuclear Regulatory Commission will keep U.S. EPA informed of any significant actual or potential releases in accordance with procedural agreements. In addition, the Nuclear Regulatory Commission will provide advice to the OSC/RPM when assistance is required in identifying the source and character of other hazardous substance releases where the Nuclear Regulatory Commission has licensing authority for activities utilizing radioactive materials.

**Department of State:** DOS will lead in developing joint international contingency plans. It will also provide assistance in coordination when a pollution release crosses international boundaries or involves foreign flag vessels. Additionally, this Department will coordinate requests for assistance from the Government of Canada and U.S. proposals for conducting research at incidents that occur in Canadian waters.

**Department of Transportation:** DOT, through USCG, provides one of the Co-Chairs of RRT-IX and predesignated OSCs for the California coastal and marine environment in federal Region 9. DOT also provides expertise regarding transportation of oil or hazardous materials. Through USCG, DOT supplies expertise in the domestic/international fields of port safety and security; marine law enforcement, navigation, and construction; and the manning, operation, and safety of vessels and marine facilities. USCG maintains continuously manned facilities that are capable of command, control, and surveillance for oil or hazardous substances releases occurring on the waters of the United States, and may provide these services to the OSC. DOT, through the Research and Special Programs Administration (RSPA), establishes oil discharge contingency planning requirements for pipelines, transport by rail and containers, or bulk transport of oil.

**U.S. Environmental Protection Agency:** U.S. EPA provides a Co-Chair of RRT-IX and provides OSCs for all inland areas for which an ACP is required under CWA Section 311(j) and for discharges and releases occurring in the inland zone and RPMs for remedial actions except as otherwise provided. U.S. EPA is responsible for providing expertise regarding environmental effects of pollution releases and environmental pollution control techniques. U.S. EPA will also assist USCG in hazardous materials incidents, will advise the RRT and the OSC of the degree of hazard a particular release poses to the public health and safety, and will coordinate scientific support, including damage assessment, in inland regions.