
**Inter-agency Memorandum of
Agreement Regarding Oil Spill
Planning and Response Activities
Under the Federal Water
Pollution Control Act's National
Oil and Hazardous Substances
Pollution Contingency Plan and
the Endangered Species Act:**

A Guidebook

Instructor's Notes

NOTES to the INSTRUCTOR

If you have time, or if your group expresses an interest in walking through a scenario, the following three generic scenarios are provided as examples. You may choose to walk through any or all of the sample scenarios as they apply to your group's area. The scenarios are generic and each one includes an area in which listed species or critical habitat could be adversely modified by an oil spill response action.

Alternatively, you may develop your own scenario. If you choose to create your own, remember to include the following:

- 1) A *significant* threat to listed species and/or critical habitat
- 2) Oil type – use an oil commonly transported in your area
- 3) Oil spill size –reasonable, yet significant
- 4) Location – place the oil spill in an area where it is likely to jeopardize listed species or adversely modify critical habitat
- 5) Date, Time, and Weather
- 6) Nature of the oil spill – overturned tanker? Ruptured pipeline? Grounded barge?

<u>Oil spill Scenario</u>
<u>Oil Type:</u>
<u>Oil spill Size:</u>
<u>Location:</u>
<u>Season, Time, Weather:</u>
<u>Nature of the Oil spill:</u>

Sample Scenario

1) Marine

<u>Oil spill Scenario</u>
<u>Oil Type:</u> Crude - Arabian Medium
<u>Oil spill Size:</u> 200 barrel (8000gal)
<u>Location, Species, & Habitat:</u> Ship Channel, in an estuary, near SAV and wetlands with endangered colonial waterbirds
<u>Season, Time, Weather:</u> Early Spring; Weekday, 4PM; Stormy
<u>Nature of the Oil spill:</u> Barge collision with a freighter

2) Freshwater

<u>Oil spill Scenario</u>
<u>Oil Type:</u> Number 6 fuel oil
<u>Oil spill Size:</u> 50,000 gallons
<u>Location, Species, & Habitat:</u> Freshwater lake, near marsh, endangered amphibians and possibly fish
<u>Season, Time, Weather:</u> Autumn; Weekday, 7AM; Windy, but clear
<u>Nature of the Oil spill:</u> Pipeline rupture

3) Terrestrial

<u>Oil spill Scenario</u>	
<u>Oil Type:</u> Gasoline	<u>Oil spill Size:</u> 500 gallons
<u>Location, Species, & Habitat:</u> Indian Reservation, grassland, endangered birds, rodents	<u>Season, Time, Weather:</u> Summer; Weekday, 2AM, Drought
<u>Nature of the Oil spill:</u> Overtaken tanker truck	

How to use a scenario

Present the group with the scenario. If you have enough participants, you may choose to role-play. Have one person be the Federal OSC, one be the SSC/RRC, one be a FWS representative, one be a NMFS representative, and, if need be, one be a specialty representative (for example, a Federal land manager or Marine Sanctuary manager).

Once you establish the scenario, explain to the participants that they are first to answer the following questions knowing that they ***have not*** yet completed the Planning Template (Appendix C, MOA). Once they have worked through the questions in that manner, have them answer the questions with the knowledge that they completed the Planning Template and incorporated all the resulting information into the ACP.

1) Are there any listed species or critical habitat in the area?

If they have not completed the Planning Template (or something similar), they cannot be sure that the ACP includes all species and habitat.

If they have completed the template, they have a solid working knowledge of which species are in the area. If they were really thorough, they will have knowledge as to whether or not migratory species are in the area.

Either way, the Federal OSC still needs to contact the Services to alert them to the existence of a spill. According to the NCP, the OSC is obligated to contact DOI and DOC when a spill occurs. S/he should request ESA support at this time as well.

2) How do you know listed species or critical habitat are present?

Without having completed the Planning Template: no one will know for sure. The Federal OSC must contact the NOAA SSC/FWS RRC and the Services to obtain this information. The NOAA SSC can provide environmental sensitivity maps that may provide some general species and habitat information.

Completed Planning Template: If the Area Committee has completed the Template, the information the Federal OSC needs should already be in the ACP – listed species and critical habitat in the area; approved response measures for areas with listed species and/or critical habitat. ****Even if the Template is complete, the OSC should still contact the Services to determine whether or not any migratory species are in the area.**

3) What should be the Federal OSC's first decision?

Without having completed the Planning Template: After determining listed species or critical habitat presence, the Federal OSC should consult with the NOAA SSC/FWS RRC and Services about protective measures. S/he should work with the Services, NOAA SSC or FWS RRC, and other resource agencies as soon as possible.

Completed Planning Template: The Federal OSC should initiate whatever approved response measures are recommended in the ACP. S/he should notify the Services of the action. If need be, the Services can provide recommendations for practicable alternative actions.

The following questions pertain to the emergency response process but are independent of the completion of the Planning Template. These questions will show your participants how they can use the MOA even if they have yet to complete the Planning Template.

4) After developing a plan of action, what should happen next?

Documentation of all correspondence between the Services and the Federal OSC should begin. The OSC can do this personally, or designate another response team member to do so.

The MOA provides a Checklist in Appendix B. The person tracking documentation should use this template for gathering and maintaining the information.

The documents produced through this Checklist can be used as the foundation for an initiation package after the response operations have ceased – if the Federal OSC determines that a formal consultation is necessary.

5) The last step is to keep the lines of communication open throughout the response.

The table of agency contacts provided in the following appendix may be useful during your scenario development. It can be filled out prior to the exercise, or you can have your participants fill it in during the training.

Appendix A

Agency Contacts Information Form

