APPENDIX 1: RRT I PRIMARY CONTACT LIST

2015 RRT1 PRIMARY CONTACT LIST

[as mandated by 40 CFR 300.175(b)(1-15)]

Federal Region I – Regional Response Team Agency Representation		
Federal Agencies		
Agency	**Contact**	
EPA	**Primary Contact** Emergency Planning and Response Branch Ms. Carol Tucker RRT I EPA Co-Chair 5 Post Office Square Suite 100 (OSRR02-2) Boston, MA 02114-2023 Office: (617) 918-1251 Cell: (617) 413-5052 tucker.carol@epa.gov	**Alternate Contact** Emergency Planning and Response Branch Mr. Cosmo Caterino RRT I EPA Alternate Co-Chair 5 Post Office Square Suite 100 (OSRR02-2) Boston, MA 02114-2023 Office: (617) 918- Cell: (617) Caterino.cosmo@epa.gov
USCG D1	**Primary Contact** Mr. Joseph Boudrow USCG Co-Chair 408 Atlantic Ave Boston, MA 02110 Office: 617-223-4812 Cell: 617-406-9042 Joseph.a.boudrow@uscg.mil	**Alternate Contact** Mr. Cornell Rosiu USCG Alternate Co-Chair 408 Atlantic Ave Boston, MA 02110 Office: 617-223-8471 Cell: 617-406-9011 cornell.j.rosiu@uscg.mil
DHHS	**Primary** Mr. Gary Kleinman PHS Emergency Coordinator 99 High Street, 5th Floor Boston, MA 02110 Office: 617-565-1159 24 hour: 202-619-7800 Cell: 617-777-6444 Gary.kleinman@dhs.gov	**Alternate Contact** Mr. Gregory T. Banner MS, CEM Regional Emergency Coordinator 99 High Street, 5th Floor Boston, MA 02110 Office: 617 565-1485 Cell: 617-777-6404 Fax: 617-565-1491 Gregory.Banner@hhs.gov
DOD	**Primary** COL Charles Maskell Defense Coordinating Officer 99 High Street 3rd floor Boston, MA 02110 24 hr: 210-247-8968 charles.f.maskell3.mil@mail.mil	**Alternate Contact** LTC Keith Carter Deputy DCO 99 High Street (3rd Floor) Boston, Ma 02110 Phone: 210-383-5345 keith.j.carter4.mil@mail.mil

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Federal Agencies		
Agency	**Contact**	
DOE	**Primary Contact** Mr. Mark Parsons U.S. Department of Energy 53 Bell Ave Building 464 Upton, NY 11973 Office: 631-344-7978 Cell: 631-466-1927 PARSONS@BNL.GOV	**Alternate Contact** Ms. Kathleen McIntyre Brookhaven National Laboratory Building 750A Upton, NY 11973 Office: 631-344-5868 Cell: 631-872-7897 MCINTYRE@BNL.GOV
DOI	**Primary Contact** Mr. Andrew Raddant Regional Environmental Officer 15 State Street, Suite 400 Boston, MA 02109 Office (617) 223-8565 Home: (508) 655-6102 Cell: (617) 592-5444 andrew_raddant@ios.doi.gov	**Alternate Contact** Mr. Lindy Nelson Regional Environmental Officer Custom House Room 244 200 Chestnut Street Philadelphia, PA 19106 Office: 215-597-5378 Cell: 215-266-5155 lindy_nelson@ios.doi.gov
DOJ	**Primary Contact** Ms. Patricia McKenna PO Box 7611 601 Dog NW Benjamin Franklin Station Room 2121 Washington, DC 20044 Office: 202-514-5413 PMcKenna@enrd.usdoj.gov	**Alternate Contact** Mr. Keith Tashima PO Box 7611 601 Dog NW Benjamin Franklin Station Room 2121 Washington, DC 20044 Office: 202-514-4352 KTashima@enrd.usdoj.gov
DOL/OSHA	**Primary Contact** Ken Shedden 15 New Sudbury St. Boston, MA 02203 Phone: 617-565-2555 shedden.kenneth@dol.gov	**Alternate Contact** Amee Bhatt Assistant Regional Administrator 15 New Sudbury St. Boston, MA 02203 Office: 617-565-9859 bhatt.amee@dol.gov

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Federal Agencies		
Agency	**Contact**	
DOS	**Primary Contact** Mr. Robert Mearkle 2201 C Street NW Suite 2665 Washington, DC 20520 Phone: 202-647-3879 Cell: 202-534-8743 mearkler@state.gov	**Alternate Contact** Mr. Marc Zlomek 2201 C Street NW Suite 2665 Washington, DC 20520 Office: 202-647-3946 zlomekma@state.gov
DOT	**Primary Contact** Mr. Terry Sheehan 55 Broadway Cambridge, MA 02142 Office: 617-494-3047 Cell: (617) 519-8637 Fax: (617) 494-3260 sheehant@Volpe.dot.gov	**Alternate Contact**
FEMA	**Primary Contact** Mr. Matthew McCann 99 High Street., 5th Floor Boston, MA 02110 Office: (617) 956-7594 Other 24 hrs. : (978) 461-5501 matthew.mccann@fema.dhs.gov	**Alternate Contact** Mr. Michael Brazel 99 High Street Boston, MA 02110 Office: 617-956-7561 Cell: 617-894-7014 Mike.brazel@dhs.gov
GSA	**Primary Contact** Mr. Michael Stec 10 Causeway Street Boston, MA 02222 Office: (617) 565-7142 Other: BBPin#16116060 Fax: (617) 565-7372 Cell: (617) 549-3842 mike.stec@gsa.gov	**Alternate Contact** Mr. Russell Cornelia 10 Causeway Street Boston, MA 02222 Office: 617-565-6206 Cell: 857-202-1631 russell.cornelia@gsa.gov
NOAA	**Primary Contact** Mr. Steve Lehmann 10 George St, Suite 220 Lowell, MA 01852-2293 Office: 978-654-6385 Cell: 617-877-2806 24 hr: 206-526-4911 steve.lehmann@noaa.gov	**Alternate Contact** Mr. Edwin Levine 1 South Street Room 329 New York, NY 10004 Office: 212-232-3886 Cell: 206-849-9941 24 hr: 206-526-4911 Ed.Levine@noaa.gov

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Federal Agencies		
Agency	**Contact**	
NRC	**Primary Contact** Ms. Felicia Hinson Emergency Response Coordinator Office: 610-337-5391 Email: felicia.hinson@nrc.gov	**Alternate Contact**
USDA	**Primary Contact** USDA Fire Operations, Safety Officer Mr. Robert Hartlove 11 Campus Blvd Suite 200 Newtown Square, PA 19073 Office: 610-557-4161 Cell: 610-742-7593 rhartlove@fs.fed.us	**Alternate Contact** USDA – Forest Service Mr. Tom Brady Supervisors Office 71 White Mountain Drive Campden, NH 03223 Office: (603) 536-6208 tbrady@fs.fed.us

State Agencies		
Agency	**Contact**	
Connecticut	**Primary Contact** Mr. Mark DeCaprio 79 Elm Street 4th floor Hartford, CT Office: 860-424-3024 Cell: 860-539-3235 24 hr: 860-424-3338 mark.decaprio@po.state.ct.us	**Alternate Contact** Mr. Peter Zack 79 Elm Street 4th Floor Hartford, CT Office: 860-424-3337 Cell: 860-306-7880 24hr: 860-424-3338 Email: peter.zack@ct.gov
Maine	**Primary Contact** Mr. Peter Blanchard 17 State House Station Augusta, ME 04333 Office: 207-287-7190 Cell: 207-446-9892 peter.j.blanchard@maine.gov	**Alternate Contact** Mr. Stephen Flannery 312 Canco Road Portland, ME 04103 Office: 207-822-6337 Cell: 207-446-9880 stephen.j.flannery @maine.gov
Massachusetts	**Primary Contact** Mr. Benjamin Ericson One Winter Street 7th Floor Boston, MA 02108 Office: 617-556-1121 benjamin.ericson@massmail.state.ma.us	**Alternate Contact** Mr. Albe Simenas One Winter Street 7th Floor Boston, MA 02108 Office: 617-292-5507 Cell: 617-947-2241 albe.v.simenas@massmail.state.ma.us

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State Agencies		
Agency	**Contact**	
New Hampshire	**Primary Contact** Mr. Carroll Brown, Jr. 29 Hazen Drive Concord, NH 03301 Office: 603-271-3000 Cell: 603-724-0624 24 hr: 603-685-3341 carroll.brownjr@des.nh.gov	**Alternate Contact** Mr. David Leathers 29 Hazen Drive Concord, NH 03301 Office: 603-271-3624 Cell: 603-724-0628 david.leathers@des.nh.gov
Rhode Island	**Primary Contact** Mr. James Ball 235 Promenade Street Providence, RI 02908 Office: 401-222-1360 x 7129 Cell: 401-255-2904 Fax: 401-222-1025 James.ball@dem.ri.gov	**Alternate Contact** Mr. John Leo 235 Promenade Street Providence, RI 02908 Office: 401-222-1360 x 7127 Cell: 401-255-2906 Fax: 401-222-1025 John.leo@dem.ri.gov
Vermont	**Primary Contact** Mr. Tim Cropley 103 S. Main Street West Waterbury, VT 05671 Office: 802-241-3874 24 hr: 800-641-5005 tim.cropley@state.vt.us	**Alternate Contact** Mr. Richard Spiese 103 S. Main Street West Waterbury, VT 05671 Office: 802-241-3880 Fax: 802-241-3296 richard.spiese@state.vt.us

Federally Recognized Tribes		
Agency	**Contact**	
Mashantucket Pequot Tribal Nation	**Primary Contact** Andrew Verraneault Mashantucket, CT 860-396-6621 860-449-3698 averaneault@mptn.org	**Alternate Contact** Rick Tougas Mashantucket, CT 860-396-6658 860-449-2852 rtougas@mptn.org
Mohegan Tribe	**Primary Contact** Rob Jessop Uncasville, CT 860-862-7494	**Alternate Contact**
Mashpee Wampanoag Tribe	**Primary Contact** Robert Hendricks Mashpee, MA 508-477-0208 774-238-6378 rhendricks@mwtribe.com	**Alternate Contact** Jason Steiding Mashpee, MA 508-477-0208 774-238-9967 jsteiding@mwtribe.com

2015 RRT1 PRIMARY CONTACT LIST

Aroostook Band of Micmacs	**Primary Contact** John Ouellette 8 Northern Road Presque Isle, ME 04769 207-764-1972 Joullette@micmac-nsn.gov	**Alternate Contact**
Houlton Band of Maliseet Indians	**Primary Contact** Mike Carlos 88 Bell Road Littleton, ME 04730 207-532-4273 ext 101	**Alternate Contact**
Passamaquoddy Tribe of Indians (Indian Township)	**Primary Contact** Alex Nicholas Princeton, ME 207-796-2367 a.nicholas81@gmail.com	**Alternate Contact**
Passamaquoddy Tribe of Indians (Pleasant Point)	**Primary Contact** Newell Lewey Perry, ME 207-853-2600 ext. 281 newell.lewey@gmail.com	**Alternate Contact**
Penobscot Indian Nation	**Primary Contact** Joseph Loring Old Town, ME 207-356-2611 joseph.loring@penobscotnation.org	**Alternate Contact**
Wampanoag Tribe of Gay Head (Aquinnah)	**Primary Contact** Brett Stearns Aquinnah, MA 508-645-9265 x141 bstearns@wampanoagtribe.net	**Alternate Contact**
Narragansett Indian Tribe	**Primary Contact** Dinalyn Spears Charleston, RI 401-364-1100 x210 dspears@nitribe.org	**Alternate Contact** Phyllis Cotto-Santiago Charleston, RI 401-364-1100 ext 203 401-450-5646 cottosantiago@sbcglobal.net

APPENDIX 2: REGION I IN-SITU BURNING MEMORANDUM OF UNDERSTANDING

Memorandum Of Understanding

Among

U.S. Coast Guard District 1 (USCG)

and

U.S. Environmental Protection Agency Region I (EPA)

and

U.S. Department of the Interior (DOI)

and

U.S. Department of Commerce /

National Oceanic and Atmospheric Administration (DOC/NOAA)

and

State of Maine (ME) Department of Environmental Protection

and

Commonwealth of Massachusetts (MA)

Executive Office of Environmental Affairs

and

State of New Hampshire (NH) Department of Environmental Services

and

State of Rhode Island and Providence Plantations (RI)

Department of Environmental Management

and

State of Vermont (VT) Agency of Natural Resources

PURPOSE

The USCG, EPA, DOI, DOC/NOAA and the States of ME, MA, NH, RI, and VT recognize that the effectiveness of physical removal of spilled oil may be limited by the dynamic nature of the environment in which the oil is spilled. In such circumstances, timely and effective containment, collection, and mechanical removal of the oil may not provide an adequate response. The burning of oil in place as a removal technique (*in-situ* burning), alone or in conjunction with mechanical removal methods and/or chemical countermeasures, may be considered as a means to enhance removal and reduce harm to public health and welfare, or the environment.

This Memorandum of Understanding (memorandum) is designed to implement sections of the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) [40 CFR §300.210 (c)(4)(ii)(D) and §300.115 (a)] and the requirements of 33 USC 1321 (j)(4)(B)(ii), the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990. This memorandum provides the primary decision makers in oil spill response (the Federal On-Scene Coordinator (OSC) and the State On-Scene Coordinator (SOSC)) with the authority to use *in-situ* burning in certain zones under the jurisdiction of the Region I Regional Response Team without additional consultation or concurrence. The Responsible Party, another key player in spill response, will also be a part of the decisionmaking process.

Because the jurisdictional boundary between Regions I and II divides Long Island Sound, the State of Connecticut will pursue a separate agreement on the use of this technique. When developed, this agreement will be included in Appendix III, Boundary Area Guidance and Agreements. References to Region I throughout this document apply to all Region I states except Connecticut.

This memorandum constitutes consultation under the National Contingency Plan with DOC/NOAA and DOI for the use of *in-situ* burning as an oil spill removal technique in the "B" Zone and consultation with DOC/NOAA and DOI, and concurrence of the States of ME, MA, NH, and RI in the "A" Zone (both zones defined under **Scope** below). It is anticipated an ignition source will be sufficient to light oil that is inherently combustible, provided a spill receives timely response action. This memorandum applies to *in-situ* burns that are lit using ignition sources (e.g., small quantities of burning gelled gasoline or kerosene released from a helotorch or a hand-held ignition pack). This memorandum does not apply to *in-situ* burns where the combustibility of the oil must be enhanced using a burning agent (e.g., through the direct addition of a flammable hydrocarbon prior to ignition or the addition of a wicking agent to enhance combustibility). Use of burning agents to enhance the combustibility of oil is subject to the approval requirements described in Subpart J of the National Contingency Plan (§300.910(c)).

This memorandum applies only to response operations within Region I where federal assistance is required. This agreement does not expand or otherwise modify the jurisdiction of any of the signatories to this agreement in matters that are the subject of this agreement.

This memorandum will be incorporated into the Region I Regional Contingency Plan and Area Contingency Plans within Region I.

AUTHORITY

Subpart C of the National Contingency Plan directs the Regional Response Teams to conduct regional planning and coordination of preparedness and response actions in conjunction with Area Committees in the case of oil discharges. Area Contingency Plans, written by Area Committees, should provide pre-approval of specific countermeasures or removal actions that, if expeditiously applied, will minimize adverse spill-induced impacts to fish and wildlife resources, their habitat, and other sensitive environments. (40 CFR §300.210 (c) (4) (ii) (D)).

Commandant, USCG, has designated the USCG Captains Of The Port (as defined in 33 CFR Part 3) as the OSCs for coastal oil discharges (subject to joint response boundary agreements with EPA), and has delegated to these OSCs the authority and responsibility for compliance with the Federal Water Pollution Control Act and its amendments (33 USC 1221, et seq., as amended).

The U.S. EPA Administrator has designated EPA Regional Administrators as OSCs for inland oil discharges (subject to joint response boundary agreements with USCG), and has delegated to these OSCs the authority and responsibility for compliance with the Federal Water Pollution Control Act and its amendments (33 USC 1221, et seq., as amended). EPA Regional Administrators have further delegated the duties of OSC to members of their Regional staffs.

The DOI and DOC/NOAA are designated federal trustees of certain natural resources under Subpart G of the National Contingency Plan and are to be consulted regarding appropriate removal actions in an oil spill, including the determination to burn oil *in-situ* in United States waters, and must concur with pre-approval plans for the application of specific countermeasures or removal actions (Subpart C of the National Contingency Plan).

In the State of Maine, the State Oil Spill Coordinator from the Department of Environmental Protection has the authority to approve the use of *in-situ* burning for the control of oil spills.

In the Commonwealth of Massachusetts, the Department of Environmental Protection has the authority to approve the use of *in-situ* burning for the control of oil spills.

In the State of New Hampshire, the Commissioner of the Department of Environmental Services has the authority to approve the use of *in-situ* burning for the control of oil spills.

In the State of Rhode Island and Providence Plantations, the Commissioner of the Department of Environmental Management has the authority to approve the use of *in-situ* burning for the control of oil spills.

In the State of Vermont, the Secretary of the Department of Environmental Conservation has the authority to approve the use of *in-situ* burning for the control of oil spills.

SCOPE

This memorandum establishes decision authority for use of *in-situ* burning (absent the use of burning agents) within zones within Region I. The geographic zones and conditions are described below, and a map of the zones is attached as Appendix II.

1) "A" Zones — OSC decision to burn

Geographic Scope:
Zone "A" is defined as all waters subject to the jurisdiction of the United States located seaward of a line measured six miles from the mean low waterline along the coasts and islands of ME, MA, NH, and RI, that are not specifically defined as "Special Consideration Areas" (see paragraph 4 below).

Approval for *in-situ* burning in Zone "A":
Within Zone "A," the decision to use *in-situ* burning rests solely with the OSC. No further concurrence or consultation on the part of the OSC is required with EPA, DOC/NOAA, DOI, or the states of ME, MA, NH, and RI *(please refer to Special Consideration Areas that modify the "A" zone).* However, if threatened or endangered species are present in the immediate burn area, the trustee agency for that species must be consulted prior to initiating burning operations.

The OSC will immediately notify EPA, DOC/NOAA, DOI, and the applicable state(s) of a decision to conduct burning within the "A" zone via each agency's Regional Response Team representative.

2) "B" Zones — Unified Command decision to burn

Geographic Scope:
Zone "B" is defined as all waters subject to the jurisdiction of the United States located seaward of a line measured one mile and terminating six miles from the mean low water line along the coasts and islands of ME, MA, NH, and RI, that are not specifically defined as Special Consideration Areas (see paragraph 4 below).

Approval for *in-situ* burning in Zone "B":
Within Zone "B," the decision to use *in-situ* burning rests with the OSC and SOSC(s) within the Unified Command. Cases may arise where a state potentially affected by a smoke plume is not represented in the Unified Command because it may not be affected by the unburned oil. Therefore, the SOSC(s) from the state(s) within 6 miles of the burn source must also concur with the decision to burn (unless a Special Consideration Area has been established to reduce this distance). In Zone "B" no further concurrence or consultation on the part of the OSC is required with EPA, DOC/NOAA, DOI, or other states not within 6 miles of the burn source. If threatened or endangered species are present in the immediate burn area, the trustee agency for that species must be consulted prior to initiating burning operations. The SOSC is responsible for any additional concurrence/consultation requirements that apply at the state level.

The OSC will immediately notify EPA, DOC/NOAA, DOI, and applicable state(s) of a decision to conduct burning within the "B" zone via each agency's Regional Response Team representative.

3) "C" Zones — Unified Command decision to burn following additional consultations/concurrence

Geographic Scope:
Zone "C" is defined as waters and lands subject to the jurisdiction of the United States and within the geographic responsibility of Regional Response Team I that are shoreward

of a line measured 1 mile seaward of the mean low water mark along the coasts and islands of ME, MA, NH, and RI, that are not specifically defined as Special Consideration Areas (see paragraph 4 below).

Approval for *in-situ* burning in Zone "C":

Within Zone "C," the decision to use *in-situ* burning rests with the OSC (USCG or EPA) and SOSC(s) within the Unified Command. The OSC must consult with DOC/NOAA and DOI on the appropriateness of *in-situ* burning as a removal action, and gain concurrence of states with land within 6 miles of the burn source (unless this distance has been reduced in a Special Consideration Area). The SOSC is responsible for any additional concurrence/consultation requirements that apply at the state level.

The OSC will immediately notify EPA, DOC/NOAA, DOI, and applicable state(s) of a decision to initiate a burn within the "C" zone via each agency's Regional Response Team representative.

4) "Special Consideration Areas"

Geographic Scope:

Special Consideration Areas are specific geographic areas where the level of approval/concurrence granted in Zones "A," "B," and "C" is modified by the any of the following agencies/entities within their authority, jurisdiction, and areas of responsibility: Area Committees, pre-designated OSCs, DOC/NOAA, DOI, and the states of ME, MA, NH, RI, and VT. These areas will be identified in writing to the Regional Response Team co-chairs and listed in Appendix I. Upon receipt of a Special Consideration Area, the Regional Response Team co-chairs shall solicit comments from signatories to this memorandum with jurisdiction over the area and any areas within 6 miles of the Special Consideration Area. Absent objection, Special Consideration Areas are effective 30 days from their receipt by the Regional Response Team co-chairs.

Approval for *in-situ* burning in Special Consideration Areas

Each defined Special Consideration Area shall contain specific restrictions or permissions that alter pre-approval or pre-consultation otherwise defined by this memorandum in Zones "A," "B," or "C". The restriction placed or authority granted by a Special Consideration Area may be defined to apply only under certain conditions, such as certain wind directions or in certain seasons. Special Consideration Areas shall specify what additional or lesser action, consultation, or concurrence is necessary to

proceed with *in-situ* burning in that area. Means of contacting primary or alternate points-of-contact for Special Consideration Areas should be identified for work and non-working hours.

5) Boundary Areas - Region I Boundary

In areas where burning will have an impact across a Region I border into Canada or Region II (e.g., within 6 miles of the border), the concurrence of the applicable parties on the opposite side of the border must be obtained prior to use of *in-situ* burning. Specific cross-border guidance documents and agreements regarding near-border *in-situ* burning, when developed, will be included in Appendix III.

PROTOCOLS

The signatories to this memorandum agree that the decision to use *in-situ* burning lies with either the OSC or the OSC and the SOSC, based on the location of the burn as detailed in **Scope**. The SOSC is responsible for any additional concurrence/consultation requirements that apply at the state level. The decision to use *in-situ* burning should be made with guidance from the Region I *In-situ* Burning Policy (Information Section) and applicable Area Contingency Plans and is subject to the following conditions:

1. The OSC may authorize the use of *in-situ* burning on a discharge of oil to prevent or substantially reduce the hazard to human life without obtaining concurrence from EPA, DOI, DOC/NOAA, or the affected states, without following protocols established in this memorandum, and without following the guidelines in the Regional Contingency Plan and Area Contingency Plan. If *in-situ* burning is used in this manner, notification of EPA, USCG, DOC/NOAA, DOI and the affected state(s) via Regional Response Team representatives shall be made as soon as practicable. Once the risk to human life has subsided, this exception no longer applies.

2. The decision to use *in-situ* burning shall rest solely with the pre-designated OSC or jointly with the SOSC in certain zones as described under the **Scope** of this memorandum. This responsibility of the OSC may not be delegated.

3. If a decision has been made to use *in-situ* burning under the provisions of this memorandum, the OSC will immediately notify EPA, DOI, DOC/NOAA and the applicable state(s) of that decision via Regional Response Team representatives. This

initial notification should include, but is not limited to, the following information to the extent available:

Type and amount of oil discharged

Area affected

The projected area of impact of the oil if not burned

Reasons why *in-situ* burning has been selected as a mitigation technique

On-scene weather

4. *In-situ* burning will be conducted by trained professionals using recognized techniques and technology. Burning will be conducted in a way that allows for safe and effective control of the burn to the maximum extent feasible, including the ability to stop the burn if necessary. Containment and control using fire-resistant boom is recognized as the preferred method of *in-situ* burning in open-water situations. In this situation, all practical efforts to limit the potential for igniting the source or adjacent, uncontained, or uncontrollable slicks will be made.

5. *In-situ* burning is advised only when the meteorological and sea conditions are operationally favorable for a successful burn. The OSC will give due consideration to the direction of the wind and the possibility of the wind blowing the smoke plume over population centers or sensitive resources onshore.

6. Health and Safety Concerns

(a) OPERATORS: Worker health and safety is of paramount concern. Each employer and OSC must comply with all applicable Occupational Health and Safety Administration regulations. Prior to any *in-situ* burn operations, a site safety plan must be prepared.

(b) GENERAL PUBLIC: Burning should be stopped if it becomes an unacceptable health risk to the general public. If at any time during burning operations exposure limits are observed to exceed National Ambient Air Quality Standards in nearby populated areas as a result of the burn, the OSC shall modify or suspend the burn operation as appropriate. Additionally, the OSC and the Unified Command should consider the potential effects of short term exposure of the public to high levels of particulates which may still meet National Ambient Air Quality Standards. Specifically, the OSC should consider the current short term *in-situ* burning exposure guideline recommended by the

National Response Team (at the time of signature, the NRT guideline for short term particulate exposure from *in-situ* burning is 150 $\mu g/m^3$ of particulates less than 10 μm diameter (PM-10) averaged over one hour; the current National Ambient Air Quality Standard for particulates is the same concentration averaged over 24 hours. The NRT guideline will be revised when more stringent particulate standards are adopted). OSCs in Region I shall factor this guideline on public exposure to *in-situ* burn emissions into burn initiation and continuation decisions. Public notification is advisable prior to initiating a burn.

7. The OSC shall ensure *in-situ* burning is conducted in accordance with any biological opinions rendered under Section 7 of the Endangered Species Act. Seasonal, spacial, or other similar restrictions identified in biological opinions shall be listed as Special Consideration Areas and placed in Appendix I. If threatened or endangered species are present in the immediate burn area, the trustee agency for that species must be consulted prior to initiating burning operations.

8. The OSC will make every reasonable effort to continuously evaluate the decision to burn, and allow Regional Response Team agencies and affected states the opportunity for comment. The OSC shall provide a mechanism to receive information from authorized representatives of the following entities that may necessitate termination of an *in-situ* burn: EPA, affected states, natural resource trustee agencies, and cognizant health agencies. Any verbal recommendations to terminate an *in-situ* burn must be followed up immediately in writing.

9. Representatives of the OSC shall monitor *in-situ* burning operations. The trustee agencies, the affected states, the Occupational Safety and Health Administration, and the responsible party may monitor *in-situ* burning operations, when feasible.

(a) Monitoring to establish "continue / modify / discontinue" information for input to the OSC shall accompany a burn. Visual monitoring may be sufficient provided the smoke plume is not predicted to affect human populations or highly sensitive areas. If smoke plumes are predicted to or may cross over populated areas, real-time PM-10 monitoring (a protocol is identified in Regional Response Team I *In-situ* Burning Policy — Information Section) is advisable and, when practicable, should be in place prior to the start of burn operations to gather baseline data.

(b) All burns must incorporate observations (typically visual) to monitor smoke plume behavior. A trial burn may be conducted to better estimate plume behavior prior to operational burning. Conditions under which the burn should be stopped, such as a threat of plume contact with the ground in populated or environmentally sensitive areas, shall be clearly identified to the maximum extent practicable to those conducting burn operations prior to starting the burn.

12. Mechanical recovery equipment shall be mobilized on-scene when feasible for backup and complimentary response capability. Provisions should be made for collection of burn residue following the burn(s).

13. If *in-situ* burning is used, a post incident debriefing will take place within 45 days to gather information concerning its effectiveness and to determine whether any changes to this memorandum are necessary. The debriefing will be chaired by the OSC, who will also arrange the time, place, and date of the debrief.

AMENDMENTS

This Memorandum of Understanding may be amended in writing in whole or in part as is mutually agreeable to all signatories.

Special Consideration Areas submitted to the Regional Response Team as outlined in paragraph 4 of the **Scope** of this memorandum will be promptly distributed to signatories and included in Appendix I.

CANCELLATION

Each signatory to this Memorandum of Understanding may withdraw their agreement to the memorandum in whole or in part by submitting a letter of withdrawal to the Regional Response Team co-chairs; withdrawal from this memorandum will take effect no earlier than 30 days after receipt of this letter. The Regional Response Team co-chairs shall promptly notify other document signatories. Withdrawal by signatories shall not have any effect on this agreement with respect to remaining signatories.

SIGNATURES

Captain Thomas M. Daley
First Coast Guard District (m)
Acting Regional Response Team Co-Chair

May 19, 1998
Date

Ms. Dennisses Valdés
US EPA Region I
Regional Response Team Co-Chair

5/19/98
Date

Commander Burton Russell, USCG
Captain of the Port Portland
Federal On-Scene Coordinator

5/19/98
Date

Captain John Grenier, USCG
Captain of the Port Boston
Federal On-Scene Coordinator

MAY 20 1998
Date

Captain Peter A. Popko, USCG
Captain of the Port Providence
Federal On-Scene Coordinator

5/19/98
Date

Mr. Andrew Raddant
Regional Environmental Officer/Northeast
U.S. Department of Interior
Regional Response Team Representative

1/26/99
Date

Gerald E. Wheaton

Commander Gerald Wheaton
NOAA/Hazmat
U.S. Department of Commerce
Regional Response Team Representative

5/19/98
Date

David C. Sait

Mr. David C. Sait
State of Maine
State Oil Spill Coordinator

5/19/98
Date

Trudy Coxe

Ms. Trudy Coxe
Commonwealth of Massachusetts
Secretary of Environmental Affairs

10-6-98
Date

Robert W. Varney

Mr. Robert W. Varney
State of New Hampshire
Commissioner, Department of Environmental Services

1-25-99
Date

Andrew H. McLeod

Mr. Andrew H. McLeod
State of Rhode Island and Providence Plantations
Director, Department of Environmental Management

7/9/98
Date

MOU applies outside of Vermont – see attached letter

Ms. Barbara Ripley
State of Vermont
Secretary, Agency of Natural Resources

Date

State of Vermont

Department of Fish and Wildlife
Department of Forests, Parks and Recreation
Department of Environmental Conservation
State Geologist
RELAY SERVICE FOR THE HEARING IMPAIRED
1-800-253-0191 TDD>Voice
1-800-253-0195 Voice>TDD

AGENCY OF NATURAL RESOURCES
Department of Environmental Conservation
Office of the Secretary
103 South Main Street
Waterbury, Vermont 05671-0404
(802) 241-3600
FAX (802) 244-1102

March 4, 1999

Captain Thomas Daley
Ms Dennisses Valdes
Region I Regional Response Team
C/O Scott Lundgren
First Coast Guard District
408 Atlantic Ave
Boston MA 02110-3350

RE: IN SITU BURNING MEMORANDUM OF UNDERSTANDING (MOU)

Dear Captain Daley and Ms. Valdes:

After careful consideration, I have decided not to sign the In Situ Burning MOU developed by the Region I Regional Response Team at this time.

The MOU mainly addresses issues related to open water burns. It is certainly in the best interest of the other New England states to sign the MOU, as the other states have seaports that handle large, petroleum carrying vessels, in areas close to the borders of other states. Vermont does not share these characteristics; indeed, since the cessation of petroleum transporting barge traffic on Lake Champlain, the likelihood of a spill warranting open water in situ burning is negligible.

As members of the In Situ Burning Working Group, we certainly appreciate the hard work put into this project, and appreciate the opportunity to sign the MOU. However, without the benefit of expedited decisions established by the MOU in marine coastal states, we feel that any protocols developed regarding this countermeasure would be best if designed for our risks and location. We understand that all other participants have signed the MOU, and we have no objection to its use in the Region. Do not take our abstention as finding fault with the MOU; it is simply felt that the MOU is not a vital tool for oil spill response in our state.

We look forward to further participation in Regional Response Team endeavors. If you have any questions regarding this letter, please contact me at 802.241.3600.

Sincerely,

John Kassel, Secretary
Vermont Agency of Natural Resources

cc: David C. Sait, ME Oil Spill Coordinator
Ms. Trudy Coxe, MA Secretary of Environmental Affairs
Robert Varney, NH Commissioner of Environmental Services
Timothy Keeney, RI Commissioner of Environmental Management
Canute Dalmasse, VT Commissioner of Environmental Conservation
P.H. Flanders, VT Director of Waste Management Division
Marc Roy, VT Regional Response Team Designee

mr/spills/cdisb.ltr

Appendix I: Special Consideration Areas

State of Maine Special Consideration Area **Year-round**

The OSC shall gain concurrence of the Maine State On-Scene Coordinator for *in-situ* burns within 12 miles of the Maine coast.

State of Vermont Special Consideration Area **Year-round**

The State of Vermont elected not to sign the Memorandum of Understanding, but agree to use elsewhere in Region under the MOU as described in 4 March 1999 letter. Absent other agreements, normal National Contingency Plan procedures apply in Vermont.

20 foot water depth Special Consideration Area **Year-round**

The OSC must consult with DOI and NOAA Regional Response Team representatives when using *in-situ* burning in waters where the depth is less than 20 feet at mean low water. (Such consultation is already required in Zone C, which is inside 1 mile, so this only applies to any areas that may be less than 20 feet deep that are beyond 1 mile from shore.)

National Marine Fisheries Service Special Consideration Area Summary

Details of boundaries and conditions detailed in NMFS Northeast Section 7 consultation letter to First Coast Guard District dated November 18, 1997.

Case-by-case consultation with NMFS Northeast Region required for *in-situ* burning in:

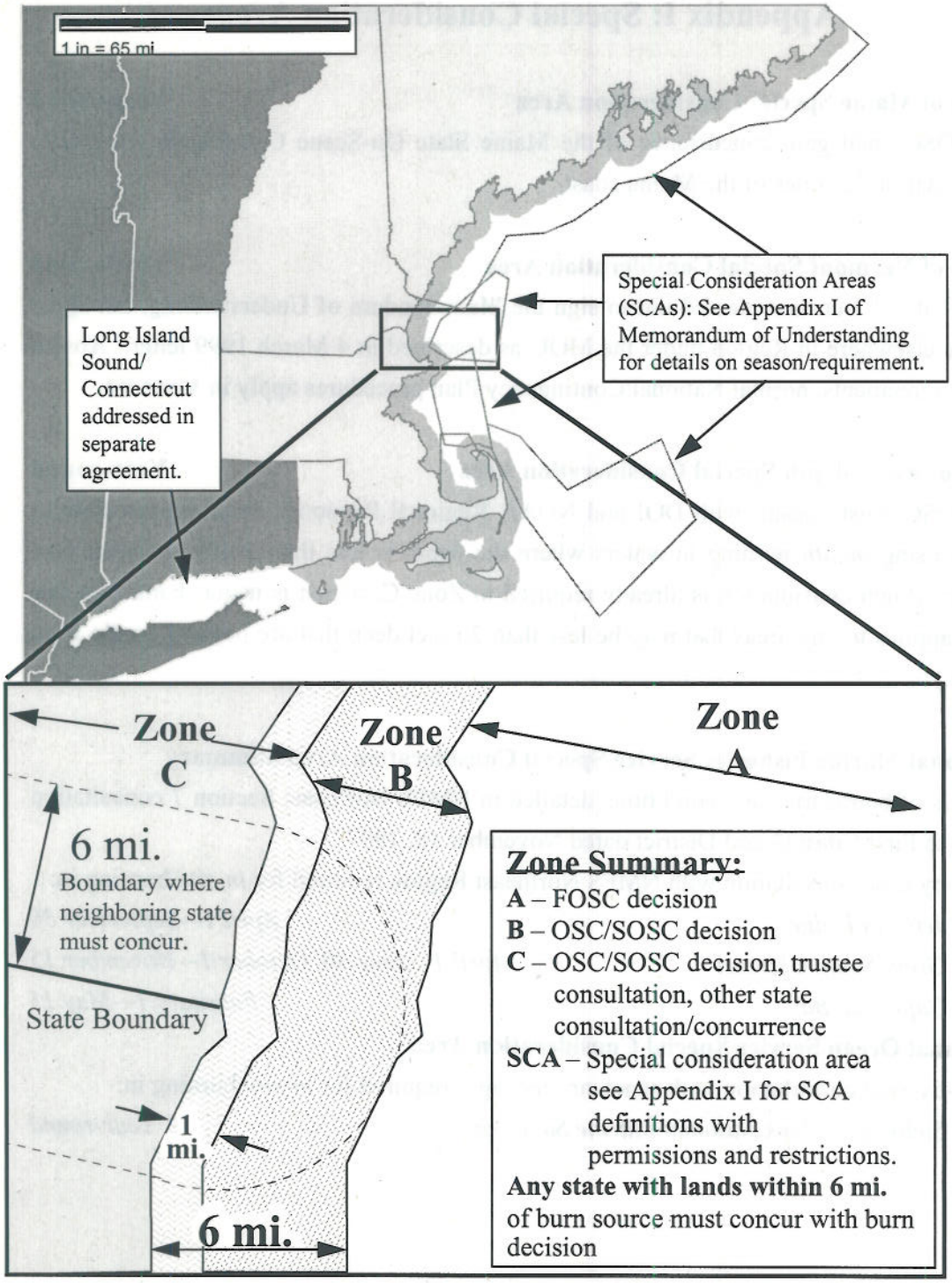
Jeffreys Ledge	*April 1—September 30*
Great South Channel	*April 1—June 30, October 1—November 15*
Cape Cod Bay	*February 1—May 15*

National Ocean Service Special Consideration Area

Case-by-case consultation with sanctuary manager required for *in-situ* burning in:

Stellwagen Bank National Marine Sanctuary	*Year-round*

Appendix II: Zone Boundary map and diagram



Appendix III: Boundary Area Guidance and Agreements

Boundary agreements or guidance developed (i.e. with Canadians, for Region II, Long Island Sound, etc.) may be attached here.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

NOV 18 1997

Captain T.M. Daley, USCG
Chief Marine Safety Division and
Co-chair, Region I Regional Response Team
408 Atlantic Avenue
Boston, MA 02110

Dear Captain Daley:

The Region I Regional Response Team has drafted a Memorandum of Understanding (MOU) for expedited procedures for using in-situ burning as an oil spill countermeasure within marine waters from Maine to Rhode Island. Because several species listed as endangered or threatened under the Endangered Species Act (ESA) may occur in the waters described by the MOU, you have initiated consultation with the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the ESA, regarding the MOU and potential effects on the listed species. Based upon previous correspondence and the discussion that follows, NMFS concurs that in-situ burning: 1) may mitigate many of the potential adverse effects of spilled oil and 2) is not likely to worsen any of the adverse effects of exposure to the oil and oil fractions. Therefore, NMFS concludes that the MOU and the expedited procedures authorized under the MOU are not likely to adversely affect the ESA listed species under NMFS jurisdiction.

The following species listed as endangered or threatened under the ESA may occur in the waters described by the MOU:

Species	Listing Status
Blue whale (*Balaenoptera musculus)*	Endangered
Fin whale (*Balaenoptera physalus)*	Endangered
Humpback whale (*Megaptera novaengliae)*	Endangered
Northern right whale *(Eubalaena glacialis)*	Endangered
Sei whale (*Balaenoptera borealis)*	Endangered
Sperm whale (*Physeter macrocephalus)*	Endangered
Green sea turtle *(Chelonia mydas)*	Endangered
Kemp's ridley sea turtle *(Lepidochelys kempii)*	Endangered
Leatherback sea turtle *(Dermochelys coriacea)*	Endangered
Loggerhead sea turtle *(Caretta caretta)*	Threatened
Shortnose Sturgeon *(Acipenser brevirostrum)*	Endangered
Harbor porpoise *(Phocoena phocoena)*	Listing proposed

Per Section 7 of the ESA, you and the NOAA Scientific Support Coordinator have consulted with NMFS regarding the MOU and the potential effects its implementation may have on the

Enclosure (2)

above listed species. Consultation has included many discussions and meetings as well as the development of Special Consideration Areas (SCA). The SCA's describe areas and seasons in which a relative abundance of endangered right whales and humpback whales exists. The SCA's are defined below.

SPECIAL CONSIDERATION AREAS

Jeffreys Ledge
April 1 through September 30
Area approximately described by:

42-41.0N, 070-00.0W
43-14.0N, 069-53.2W
43-16.8N, 070-00.0W
42-57.4N, 070-30.0W
42-46.7N, 070-36.2W
42-42.0N, 070-25.7W

Stellwagen Bank
Year-round
The legal description of the Stellwagen Bank National Marine Sanctuary (SBNMS) is available in the Federal Register Vol. 58, No. 200 (15 CFR Ch. IX § 940.2). Authorization for in-situ burning in the SBNMS requires consultation with the sanctuary manager.

Great South Channel
April 1 through June 30, and October 1 through November 15
Area approximately described by:

41-00.0N, 069-05.0W
41-38.0N, 068-13.0W
42-10.0N, 068-30.8W
41-49.8N, 069-21.8W
42-11.2N, 069-47.8W
42-16.1N, 070-05.0W
42-05.6N, 070-02.1W
41-40.0N, 069-45.0W

Cape Cod Bay
February 1 through May 15
Area approximately described by:

41-47.0N, 070-30.0W
42-12.0N, 070-30.0W
42-12.0N, 070-15.0W
42-05.0N, 070-10.0W
and Cape Cod.

A determination regarding pre-authorization of in-situ burning use in the above described SCA's

can only be made after a formal Section 7 consultation with a complete biological assessment. Until that consultation is complete, you would be expected to consult with this office on a case by case basis regarding in-situ burning within the SCA's. This document and the findings below only refer to areas outside the above described SCA's.

The decision of whether or not to conduct in-situ burning presupposes that oil has been spilled in the marine environment. NMFS prefers the mechanical removal of oil from the marine environment, but acknowledges that under some conditions, collection and removal of oil may not be sufficiently effective or timely to protect marine resources, and responders must rely on innovative countermeasures. In-situ burning can effectively and quickly remove spilled oil from the surface of the water and thereby reduce the potential of listed species directly contacting the oil. Burning would take place only within a fireproof boom, and therefore marine effects are likely to be local. In-situ burning can eliminate most of the volatile fractions of the oil which would be toxic if inhaled by mammals and sea turtles. Most of the heat generated by a burn will go up into the atmosphere and only the top few centimeters of the water column will be warmed above the ambient water temperature. Burn residue generally floats and can be retrieved. Listed species may come into contact with residue that is not retrieved. The effects of the contact are unknown; however, since the volume of oil product in the water is so greatly reduced by the burn, the potential for exposure is likewise substantially reduced.

This consultation fulfills your responsibilities pursuant to Section 7 of the ESA. The MOU states that spill responders will take extra precautions to ensure the safety of ESA listed species during a burn and will suspend a burn should the animals be threatened by the operation of a burn. NMFS supports that provision (paragraph 7) of the MOU and insists that you contact the agency should ESA listed species under NMFS jurisdiction be observed during a spill event and in the vicinity of an in-situ burn area. Also, spill responders should be advised that members of the Northeast Marine Mammal Stranding Network are authorized to deter, handle, and remove listed species that have become oiled or are at risk of entering the spill and burn area.

In summary, NMFS concurs with your conclusion that the MOU for in-situ burning of spilled oil and the procedures authorized under the MOU, including the use of designated SCA's, are not likely to adversely affect endangered and threatened species under the jurisdiction of NMFS that may occur in the area. Should a need to change the MOU arise or should new information become available that changes the basis for this determination, then this consultation should be reinitiated. If you have any questions about this consultation or about protected species in the region, please contact Scott Sandorf at (978) 281-9388.

Sincerely,

Andrew A. Rosenberg, Ph. D.
Regional Administrator

[illegible] provide [illegible] a formal Section 7 consultation with a complete biological assessment [illegible] that [illegible] complete, you would be expected to consult with this office on a case-by-case basis [illegible] emergency situations burning within the [illegible]. This document and the findings below [illegible] the above [illegible] and NMFS.

The burning [illegible] not to conduct insitu burning presupposes that oil has been spilled in [illegible] NMFS process the removal of oil from the marine [illegible] and [illegible] to be consultations; collection and removal of oil may [illegible] directly or indirectly to proto [illegible] resources, and responders must rely on [illegible] information [illegible] burning can efficiently and quickly remove spilled oil from the [illegible] of the water [illegible] reduce the potential [illegible] listed species directly contacting the [illegible] and [illegible] within a fireproof [illegible] and therefore marine effects are [illegible] burning can eliminate most of the volatile fractions of the oil which [illegible] and are [illegible]. Most of the heat generated by a burn will [illegible] the [illegible] and [illegible] the top few centimeters of the water column will be warmed [illegible] temperatures. Burn residue generally floats and can be recovered [illegible] with residue that is not removed. The effects of the combustion [illegible] reduce the volume of oil product in the water is so greatly reduced by the [illegible] of the exposure is likewise substantially reduced.

[illegible] responsibility as pursuant to Section 7 of the ESA. The MOU states [illegible] take extra precautions to ensure the safety of ESA listed species during [illegible] should the animal be threatened by the operation of a burn. NMFS supports this [illegible] (paragraph 7) of the MOU and insists that you contact the agency [illegible] ESA listed species under NMFS jurisdiction be observed during a spill event and during [illegible] burning. Also, spill responders should be advised that members of the [illegible] Marine Mammal Stranding Network are authorized to deter, handle, and remove listed species [illegible] of entrance the spill and burn area.

[illegible] NMFS concurs with your conclusion that the MOU for in-situ burning of spilled oil [illegible] accurately [illegible] the MOU including the use of designated NMFS, are not likely to adversely affect protected and threatened species under the jurisdiction of NMFS that [illegible] NMFS would need to change the MOU if there is about new information [illegible] changes are based for this determination. Such consultation should be [illegible] questions about this consultation or about protected species in the [illegible] contact [illegible] at (907) 586-7638.

Sincerely,

Andrew J. Rosenberger
Regional Administrator

cc:	F/PR3	Chu
	F/PR2	Payne
	F/NER3	Hartley
	SSC	Lehmann
	SSC	Levine
	SSC	Ott
	HAZMAT	Wheaton

File: 1514-05(A) USCG-Oil-RRTI

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Field Office
22 Bridge Street, Unit #1
Concord, New Hampshire 03301-4986

January 2, 1998

Captain T. M. Daley
Chief, Marine Safety Division
U.S. Coast Guard
408 Atlantic Avenue
Boston, Massachusetts 02110

Dear Captain Daley:

This responds to your December 3, 1997 request for concurrence that proposed *in-situ* burning of oil, under certain prescribed conditions, will not adversely affect federally-listed or proposed, threatened or endangered species under the jurisdiction of the U.S. Fish and Wildlife Service. Consultation is required for the subject action because development, approval, and implementation of area oil spill response plans are federal actions subject to the provisions of Section 7 (a)(2) of the Endangered Species Act.

The locations and conditions for which *in-situ* burning is advocated in an oil spill response, referred to as pre-approval areas, are described in your December 3, 1997 letter and the attached final draft, Region I *In-situ* Burning Memorandum of Understanding, dated July 15, 1997.

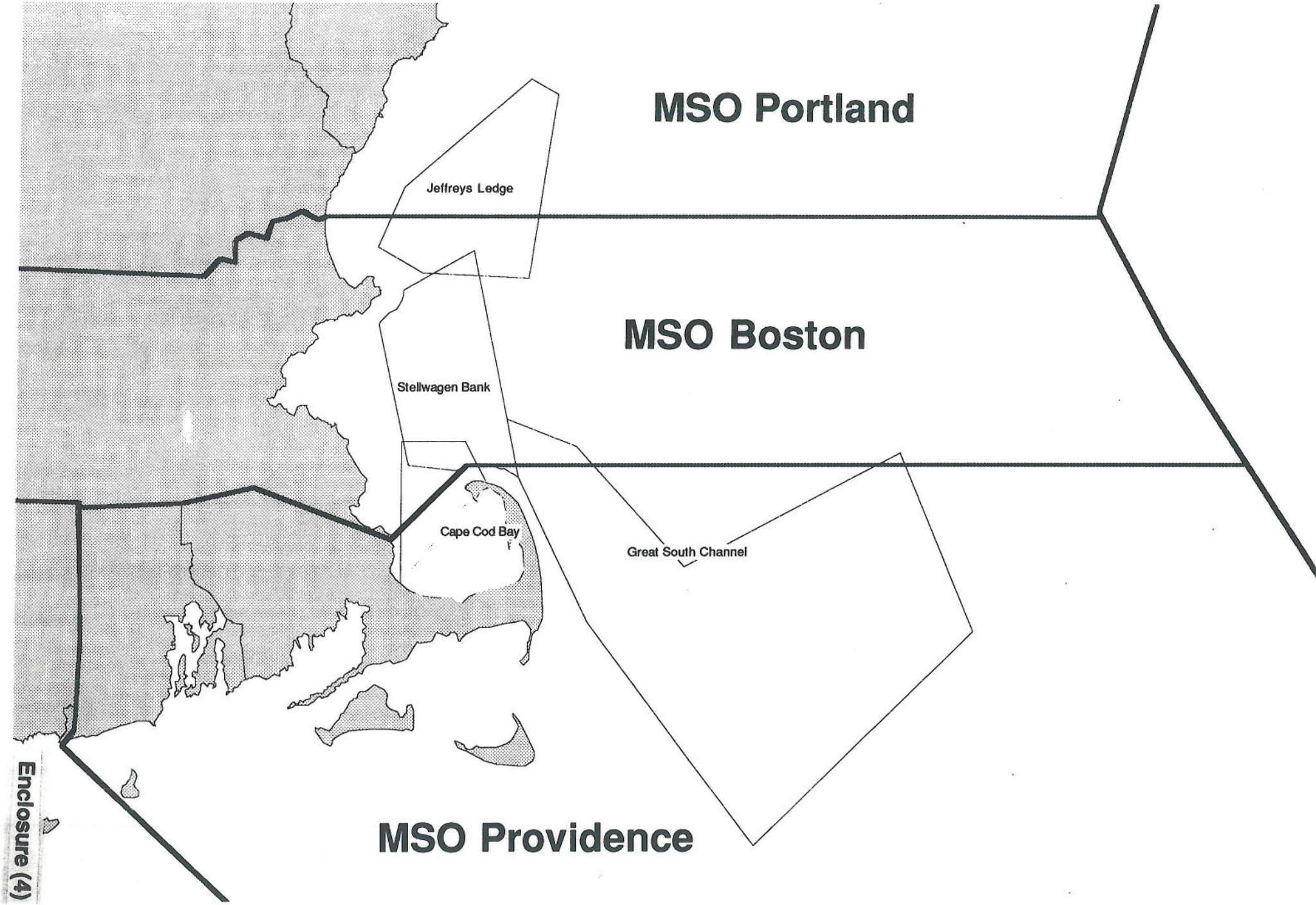
It is our understanding that the scope of this review includes all of New England and offshore waters, except Connecticut/Long Island Sound, which are addressed separately. Further, we note that the area considered for *in-situ* burning is limited to Zones A and B, which are marine waters one mile or greater from land. Consultation on a case-by-case basis will take place for oil spills on land and in water areas less than 20 feet in depth and one mile or less from shore. Lastly, the agreement requires that trustees be consulted if threatened or endangered species are present in the immediate burn area, regardless of the zone.

We concur that the final draft MOU adequately addresses threatened and endangered species concerns, and we do not have additional Special Consideration Areas to offer at this time. If new species are listed, or if new information becomes available that changes the anticipated effects of this proposal on threatened or endangered species for which we have responsibility, consultation pursuant to Section 7 of the Endangered Species Act will be reinitiated.

This letter supplements our August 1996 comments addressing informal Section 7 review of use of chemical countermeasures (dispersants) in an oil spill response. Questions can be directed to Michael Amaral or Phil Morrison of my staff at 603-225-1411.

Sincerely yours,

Michael J. Bartlett
Supervisor
New England Field Office


MSO Portland
Jeffreys Ledge
MSO Boston
Stellwagen Bank
Cape Cod Bay
Great South Channel
MSO Providence

Enclosure (4)

APPENDIX 3: IN-SITU BURN UNIFIED COMMAND DECISION VERIFICATION CHECKLIST

Purpose: *In-Situ* Burn Unified Command Decision Verification Checklist

The following checklist, created with input from the Region I RRT, provides a summary of important information to be considered by the Unified Command (consisting of the Federal On-Scene Coordinator (OSC), State On-Scene Coordinator (SOSC), and responsible party representative (RP)) when planning for the use of in-situ burning to respond to an oil spill in Region I that requires federal assistance. This checklist is intended to serve as Unified Command's verification and documentation of an in-situ burning decision, rather than as an information distribution sheet or an approval form.

Each section of the checklist provides a series of "limiting factors" questions for each of the decision points on the Region I In-Situ Burning Decision Flowchart. Some sections also contain a "worksheet" for important information that may be necessary to answer limiting factor questions; the user is encouraged to attach forms that contain this information, if available. The final section of the plan should be completed (in addition to the rest of the checklist) only for burns at the shoreline, in marshes, or on land.

Questions in the limiting factors section that are answered with a "Yes/Optimal" support the decision to conduct an in-situ burn. However, spill response involves numerous tradeoffs, and any less-than-ideal conditions that are represented by a "No/Sub-Optimal" answer may be balanced by other benefits of in-situ burning in a given situation. Not every question of the worksheet must be answered. It is acceptable for the Unified Command to make a decision based on incomplete information, provided the information gaps are understood and considered.

***In-situ* Burn Decision:**

Federal On-Scene Coordinator Decision:	_____	Approve	Signature: _____
State On-Scene Coordinator Decision:	_____	Concur	Signature: _____
Responsible Party Decision:	_____	Concur	Signature: _____
Fire Official Decision: *	_____	Concur	Signature: _____

* In Zone C and where else applicable. Under Region I MOU, additional consultation or concurrence is required in Zone C and in SCAs. Note additional concurrence/consultation per state and SCAs.

Agency/Contact	Concurrence/consultation	Time/Date	Method(verbal, written)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Recommendation by checklist preparers:

Points of Contact for the checklist:	**Name**	**Position**	**Telephone**
Federal _____	_____	_____	_____
State: _____	_____	_____	_____
Responsible Party: _____	_____	_____	_____
Scientific team: _____	_____	_____	_____
Other: _____	_____	_____	_____
Other: _____	_____	_____	_____

Fields may be left blank, limiting factors do not preclude burning. Please refer to checklist purpose.

Common Section (All Burns)

Incident information

Incident Name	
Current date/time	
Anticipated burn date/time	
Location of spill (descriptive)	
Location of burn (descriptive)	

Spill Location/Trajectory *(Resource for section: Scientific Support Team)*

Trajectory (Graphic Attached)	__Yes __ No
-or- Text:	
Overflight Map (Graphic Attached)	__Yes __ No
-or- Text:	

Resource for section: Scientific Support Team:

	Optimal Condition	Sub-Optimal Condition	
Oil Burnability	Yes or Probable	No or Unlikely	Comments
Anticipate oil to remain ignitable (fresh, not highly emulsified)?			
Attachments/Additional Information:			

Resource for section: Scientific Support Team:	Optimal Condition	Sub-Optimal Condition	
Weather/Sea Conditions	Yes or Probable	No or Unlikely	Comments
Weather forecast precipitation-free (affects ignition)?			
Winds/forecast winds less than 25 knots?			
Visibility sufficient for burn operations/observations (greater than 500 feet vertical, 1/2 mile horizontal)?			
Wave heights/predicted wave heights less than 2-3 feet?			
Attachments/Additional Information:			

Resource for section: Requesting Party:	Optimal Condition	Sub-Optimal Condition	
Operational feasibility	Yes or Probable	No or Unlikely	Comments
Is an operational plan written or in process? (if available, attach)			
Is needed air support available?			
Are personnel properly trained, equipped with safety gear, and covered by a site safety plan?			
Are all necessary communications possible (i.e. between aircraft, vessels, and control base in an open water burn)?			
Can all necessary equipment be mobilized during window of opportunity?			
If present, are ice and debris factored into plan?			
Can undesirable secondary fires be avoided?			
Can burn be safely extinguished or controlled?			
Can aircraft pilots/mariners be adequately notified, as necessary?			
Is equipment and personnel available for residue recovery?			
If ignition from a helicopter, FAA approved equipment?			
Attachments/Additional Information:			

Operational worksheet:

Product Type: Easily emulsified? _____ _____

Volume of product released: _____ _____

Burn method (at source, containment and towing to safe distance, onshore ignition):

Resource for section: OSC/SOSC staff in consultation with meteorologists/modelers as appropriate:	Optimal Condition	Sub-Optimal Condition	
Human and Environmental Impacts	Yes or Probable	No or Unlikely	Comments
Public exposure to PM-10 (particulates <10µm) not expected to exceed 150 $\mu g/m^3$ averaged over 1 hour as a result of burn? (current NRT planning **guideline**)			
Can burning be conduced at a safe distance from other response operations, and public, recreational, and commercial activities?			
Is particulate (hour-averaged PM-10) monitoring available if plume may cross over populated areas?			
Can public be adequately notified of burn?			
Is burn outside of identified Special Consideration Areas? (if no, additional restriction or permission exists inside area)			
Trustees consulted if endangered species in immediate burn area?			
Attachments/Additional Information:			

Fields may be left blank, limiting factors do not preclude burning. Please refer to checklist purpose.

Public Health/Plume Worksheet:

Distance/direction to nearest population relative to burn: _____ miles to the ____ (direction)
Distance/direction to nearest downwind population: _____ miles to the ____ (direction)
Forecast wind direction/speed (24 hour): _____ mph from the _____ (direction)
Forecast wind direction/speed (48 hour): _____ mph from the _____ (direction)
Estimated plume trajectory (text or attached graphic):

Visibility comment and forecast: _____
Other comments/issues: _____
_____
_____
_____
_____

Resource for section: OSC representative:

Decision to Initiate (Consultations/Concurrence)	Yes	No	Comments
Have MOU Zones been reviewed and zone burn location determined (A, B, C, Special Consideration Area)?			
Are consultations/concurrence called for by zone complete or in process? (Zone A=OSC, B=OSC/SOSC, C=OSC/SOSC/Trustee consultation and others required by state (i.e. fire official) Special Consideration Areas=specific requirement)			
Has SOSC received concurrence from or consulted/notified any additional agencies, if required by the state for *in-situ* burning?			
Have adjacent state(s) SOSC(s) concurred (land within 6 miles of burn) or been consulted (no land within 6 miles, but interested in decision)?			
If applicable, are other boundary concerns pre-planned/resolved by consultation/concurrence (Canadian, Region II, tribal)?			
Is oil to be lit with ignition source (i.e. helotorch), without the use of a burning agent to improve combustibility of oil?			
Only if no: Concurrence of State RRT representative?			
Concurrence of EPA RRT representative?			
Consultation with natural resource trustees?			
Notifications planned as described in MOU (EPA, DOI, NOAA, State(s))?			
Attachments/Additional Information:			

Fields may be left blank, limiting factors do not preclude burning. Please refer to checklist purpose.

Inshore Burn Section (Complete this section only for inshore burns):

Resource for section: Scientific Support Team:

	Optimal Condition	Sub-Optimal Condition	
Environmental Impacts	Yes or Probable	No or Unlikely	Comments
Does season or water/ice level minimize damage to oiled area (i.e. dormant plants and/or flooded root systems)?			
Does information in worksheet below and additional information available indicate that proposed inshore burn will result in net environmental benefits when compared to other alternative response countermeasures or of no action?			

Resource for section: SOSC representative:

Decision to Initiate ISB (Consultations/Concurrence)	Yes	No	Comments
Does fire official concur with decision to burn (per state requirements)?			
Local Air Quality Personnel consulted/concur on decision to burn? (Consult SOSC for particular state requirements)			
Landowner consulted on decision to burn?			

In-shore Environmental Worksheet:

Oil Thickness:

_____

Habitat/Substrate Type (e.g. salt marsh) and dominant Plant Species:

_____

_____

Description and size of Area to be Burned (include location of proposed burn with respect to spill source, an attached sketch, survey or picture of area is helpful):

_____

_____

Environmental Concerns and Recommendations, (include environmental trade-offs, water depth, past management practices, weather factors, presence of wildlife, alternate or additional clean-up methods):

_____

_____

Environmental Review Personnel (names and numbers):

_____

_____

Description of Operations (include how the fire will be contained, controlled and ignited):

_____

_____

Method to Recover Burn Residue, if expected:

_____

Monitoring to be Performed:

_____

_____

Fields may be left blank, limiting factors do not preclude burning. Please refer to checklist purpose.

APPENDIX 4: MASSACHUSETTS/RHODE ISLAND DISPERSANT PRE-AUTHORIZATION POLICY

MASSACHUSETTS/RHODE ISLAND
DISPERSANT PRE-AUTHORIZATION POLICY

MASSACHUSETTS/RHODE ISLAND
DISPERSANT PRE-AUTHORIZATION POLICY

PURPOSE

Sec. 1, This policy addresses the pre-authorization of the use of chemical dispersants for the purpose of responding to oil spills in the coastal waters of the Commonwealth of Massachusetts, the State of Rhode Island, and the United States, as a means of reducing the overall impact of such spills on coastal habitats and marine fauna.

SCOPE

Sec. 2, This policy covers the marine waters off the coasts of the Commonwealth of Massachusetts and the State of Rhode Island, extending seaward of the high water line to the outermost extent of the Exclusive Economic Zone.

ZONES

Sec. 3, The waters addressed in this policy, as defined above, will be delineated into two zones.

Conditional Approval Zone

(a) The use of any chemical agent in response to an oil spill in the coastal waters of the Commonwealth of Massachusetts and the State of Rhode Island within two nautical miles of the mainland or of designated islands (designation is addressed in Sec. 3, Special Consideration Areas) or has a mean low water depth of less than forty (40) feet will require approval under the methods and restrictions set forth in the latest National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300, Subpart J), unless otherwise pre-authorized.

Pre-Authorized Zone

(b) The use of chemical dispersants as listed in the most recent version of the National Oil and Hazardous Substances Pollution Contingency Plan Product Schedule in response to an oil spill in the coastal waters of the Commonwealth of Massachusetts, and/or the State of Rhode Island, and/or the waters subject to the authority of the U.S. Coast Guard Captains of the Port, Boston, Massachusetts and Providence, Rhode Island, which are seaward of two nautical miles of the mainland or of designated islands and have a mean low water depth of greater than forty (40) feet is pre-authorized under the supervision of the Pre-designated Federal On-Scene Coordinator with restrictions set forth below.

Special Consideration Areas

(1) Special Consideration Areas (SCA's) may be designated and described in writing by the Natural Resources Trustee (or his/her designated representative) for the Commonwealth of Massachusetts, the State of Rhode Island, the National Oceanic and Atmospheric Administration, or the Department of the Interior; or the manager of the Stellwagen Bank National Marine Sanctuary.

(2) Special Consideration Areas will consist of restrictions imposed on the use of chemical dispersants for a specific geographic area to be described in this policy (Annex A). These restrictions may range from outright prohibition to a requirement for consultation prior to deployment of the chemicals. They may be spatial, seasonal or species-specific in nature. Each Special Consideration Area submitted by the above mentioned individuals shall describe the specific restrictions to be applied on the use of chemical dispersants, including, as applicable, primary and alternate point-of-contact telephone numbers.

(3) Changes to any aspect of the Special Consideration Areas will be submitted, in writing, to the Chairperson of the appropriate Area Committee and will take effect thirty (30) days following receipt by the Chairperson. Upon receipt, the Chairperson shall forward copies of these changes, as soon as practical, to the membership of that Area Committee and to the Co-Chairpersons of the Region One Regional Response Team.

POLICY REVIEW

Sec. 4, This plan, along with the Special Consideration Areas in Annex A will be reviewed by the affected Area Committees annually at the first meeting of the full Area Committee following January 1.

DETERMINATION OF EFFECTIVENESS

Sec. 5 (a) The Pre-Designated Federal On-Scene Coordinator (FOSC) with authority over the oil spill in question will determine the effectiveness of the dispersant during the time of application. This effectiveness test will be conducted visually and qualitatively by the use of qualified and trained oil spill observers. Qualified observers will be individuals with oil observation experience from the FOSC's staff, the USCG National Strike Force, the NOAA Scientific Support Team or those identified by the FOSC at the time of the response. These individuals will conduct overflights to determine if the oil is being effectively dispersed. If it is determined by the FOSC, based on the report of the observers mentioned above, that the chemical dispersant is having minimal effect, application of that chemical dispersant will cease.

(b) If an authorized chemical dispersant application has been halted and conditions change which contribute positively to the effectiveness of re-application (for example, if a new release event occurs or weather conditions change), the FOSC, following consultation with his or her scientific support team, may attempt a new application of the chemical dispersant. This new application will be subject to the same effectiveness monitoring as described above.

DISPERSANT MONITORING PROTOCOL

Sec. 6 (a), As agreed upon by the Region One Regional Response Team, the FOSC will follow the Dispersant Monitoring Protocol, as outlined in Annex B. An inability to implement this plan in a timely manner will not revoke the FOSC's pre-authorization to apply chemical dispersants. However, the FOSC should make every attempt to implement this plan as soon as practical.

(b) As soon as practical, a post-application biological monitoring plan will be developed as a section of Annex B and will be implemented routinely following the use of dispersants. An inability to implement this plan in a timely manner will not revoke the FOSC pre-authorization to apply chemical dispersants. However, the FOSC should make every attempt to implement this plan as soon as practical.

NOTIFICATION

Sec. 7 (a) If a decision has been made by the FOSC to use chemical dispersants under the provisions of this policy, the FOSC, as soon as practical, will notify the Region One Concurrence Network, as set forth in the most recent version of the Federal Region One Oil & Hazardous Substances Pollution Emergency Contingency Plan, of that decision.

(b) If chemical dispersants are used as described in this policy or for the protection of human life, the FOSC will hold a post incident debriefing within forty-five (45) days after dispersant application to gather information concerning the effectiveness of the chemical agent used and to determine whether any changes to this agreement are necessary. This debriefing should include, but is not limited to, the Region One Concurrence Network, the Scientific Support Coordinator, and the State On-Scene Coordinator (SOSC), or their representatives. The results of the debrief will be included in the FOSC report.

Annex A

Special Consideration Areas

for MA/RI Dispersant Pre-authorization Policy

Summary: (see original letters for details)

Area/Situation:	Additional Condition:	Submitted by:
Dispersant types other than Corexit 9527 or 9500	Not pre-authorized (Other stockpiled dispersants must receive specific Section 7 approval from USF&WS and NMFS before they may be pre-authorized).	NMFS Section 7 conducted on 9527 and 9500, F&WS Section 7 conducted only on "Corexit formulations"
All pre-approval areas	Implementation of the 6-point Dispersant Monitoring Protocol, USF&WS Region 5 Bioassay protocol, and physiochemical data collection (temp, salinity, conductivity, pH) at each sampling location. (AST with EPA ERT may be able to provide such monitoring)	USF&WS Service Section 7 (see 8/22/96 memo) was conducted on an internal F&WS pre-approval policy (see 5/18/96 memo) that requires the mentioned conditions.
Areas where **baleen whales are present and feeding**	Suspend dispersant application	NMFS (See 8/2/96 Section 7 letter)
Jeffreys Ledge between 5/1—9/30	Consultation with NMFS	NMFS (See 8/2/96 Section 7 letter)
Stellwagen Bank between 5/1—11/15	Consultation with NMFS and SBNMS Manager	NMFS. (See 8/2/96 Section 7 letter)
Great South Channel between 5/1—6/30 and 10/1—11/15	Consultation with NMFS	NMFS (See 8/2/96 Section 7 letter)
Cape Cod Bay between 2/1—5/15	Consultation with NMFS	NMFS (See 8/2/96 Section 7 letter)

Annex B

Dispersant Monitoring Protocol

*** To Be Developed ***

(Interim protocol attached)

Concurrence Network Approval Letters

Massachusetts and Rhode Island
Dispersant Pre-Approval Policy

Agency	Approval of MA/RI Policy (dated Aug. 14, 1995)
EPA	August 28, 1996
Massachusetts	December 8, 1995
Rhode Island	November 13, 1996
Interior	January 24, 1997
USF&WS Section 7	August 22, 1996[1]
NOAA	November 14, 1995
NMFS Section 7	August 2, 1996[1]

[1] NMFS and USF&WS Section 7 letters contain Special Consideration Areas, restrictions to specific chemicals (those commonly available in quantity), and certain monitoring requirements. The pre-approval is subject to this set of conditions.

APPENDIX 5: MAINE AND NEW HAMPSHIRE AREA CONTINGENCY PLAN, ALTERNATIVE COUNTERMEASURES

4704 Alternative Countermeasures

References:

(a) 40 C.F.R. Part 300, National Contingency Plan
(b) The Environmental Protection Agency's INLAND AREA CONTINGENCY PLAN for Region I – New England
(c) EPA National Contingency Plan Product Schedule

The Maine and New Hampshire Area Committee strongly believes that the primary method of cleaning up oil spills should be the mechanical recovery of oil from the environment. However, successful oil spill response, particularly to a large oil spill, requires responders to combat the spill with as many "tools" as appropriate. Chemical countermeasures, in-situ burning and bioremediation agents are response options that have demonstrated usefulness in past oil spills. Guidance and agreements on in-situ burning and dispersants can be located in Section 9507. The Area Committee recognizes that in certain circumstances the utilization of chemical countermeasures, particularly dispersants, alone or in conjunction with other removal methods, may be considered as a more efficient means to minimize a substantial threat to public health or welfare, or minimize serious environmental damages. Thoughtful consideration must be given to all oil spill response options in order to maximize the response effort.

4705 Habitat Considerations

One of the primary concerns regarding the use of alternative countermeasures, particularly chemical countermeasures, is the potential for adverse impacts to habitats and organisms. The Maine and New Hampshire Area Committee participated in the development of the dispersant pre-approval plan to guide the Unified Command in the dispersant decision process. It is imperative that all trustees are involved in the dispersant use decision to ensure that the potential impacts of the various countermeasures are adequately assessed.

Though there have been attempts at quantitatively ranking environmental impacts associated with chemical countermeasures in the environment and there are numerous publications on the toxicity of dispersants, it is difficult to predict the response of a particular population or system to chemical countermeasures and oil in a specific geographic area. A review of case histories can provide guidance on situations where chemical countermeasures may not be appropriate.

The relative impacts of oil spill response chemical countermeasures to various habitats are summarized in the National Response Team's Selection Guide for Oil Spill Applied Technologies - Volume 1 Decision-Making

9508 Dispersant Preauthorization

9508.1 Purpose

This Preauthorization Plan is designed to implement Subpart J of the National Contingency Plan (NCP) and implement the requirements of the Federal Water Pollution Control Act (FWPCA); see, amended, Title 33 U.S.C. Section 1321(j)(4)(v); that the Area Contingency Plan (ACP) shall "describe the procedures to be followed for obtaining an expedited decision regarding the use of dispersants." This Plan provides preauthorization for the use of dispersants by the Coast Guard On-Scene Coordinator (FOSC). This preauthorization applies only in designated zones in the Coast Guard Captain of the Port Sector Northern New England geographic area of responsibility. This Plan also implements Subpart J (Use of Dispersants and Other Chemicals) and Section 2 of the Standard Federal Region I Response Team Regional Oil and Hazardous Substances Pollution Contingency Plan (RCP)

9508.2 Authority

FWPCA Section 311(d)(2)(G) requires the NCP; see, 33 U.S.C. Section 1321(d)(2), include a schedule for identifying "dispersants, other chemicals, and other spill mitigating devices and substances, if any, may be used in carrying out" the NCP. These are referred to as "chemical countermeasures" and are listed on the NCP Product Schedule. The responsibility to maintain the NCP Product Schedule was delegated to the Administrator, Environmental Protection Agency, by Executive Order 12777, and is carried out under

Subpart J of the NCP.

Subpart J of the NCP authorizes the Regional Response Team (RRT) representatives from EPA and the States with jurisdiction over the waters of the area to which a preauthorization plan applies, and the Department of Commerce (DOC) and Department of Interior (DOI) natural resource trustees, to approve in advance the use of certain products under specified circumstances as described in the preauthorization plan. Within the parameters of an approved pre-authorization plan, the FOSC may authorize the use of the products without obtaining the specific concurrences described above under Subpart J of the NCP.

Subpart J further provides that for spill situations that are not addressed by the preauthorization plans described previously, the FOSC, with the concurrence of the EPA representative to the RRT and the States with jurisdiction over the navigable waters threatened by the oil discharge, and in consultation with DOC and DOI natural resource trustees, may authorize the use of chemical and biological countermeasures on oil discharges; provided that such chemical and countermeasures are listed on the most current version of the NCP Product Schedule.

Commandant, United States Coast Guard, has pre-designated the Coast Guard Captain of the Port Sector Northern New England as the FOSC for oil discharges in COTP Sector Northern New England Zone (as defined in 33 C.F.R. Part 3, and subject to joint response boundary agreements with the EPA) and has delegated to the COTP the authority and responsibility for compliance with the FWPCA.

The Legislature of the State of Maine has authorized the Commissioner of the

Department of Environmental Protection (MEDEP) to designate a State Oil Spill Coordinator (SOSC), with the authority to approve the use of chemical countermeasures for the control of oil spills.

The Waste Management Division of the New Hampshire Department of Environmental Services (NHDES), under the authority of state law RSA 146A:4, assumes primary jurisdiction for response to oil spills in the state. Accordingly, the authority and responsibility for providing approval for the use of chemical countermeasures for control of oil spills rests with the State Oil Spill Coordinator designated by the Waste Management Division Director.

The US DOI and DOC/NOAA are designated Federal trustees of certain natural resources under Subpart G of the NCP and are to be consulted regarding the determination to apply dispersants to oil discharges in U.S. waters.
The Region I RRT representative from EPA,DOC/NOAA, DOI, ME DEP, and NH DES approve in advance the use of certain dispersants under specified circumstances as described in this Plan. As specified in this Plan, the FOSC, in consultation with these stakeholders, may authorize the use of these products without obtaining specific concurrences.

9508.3 Scope

This preauthorization Plan is applicable to the marine waters of the COTP Sector Northern New England Zone (defined in 33 C.F.R. Part 3). These waters, for the purpose of this plan, are divided into three geographic zones and conditions under which dispersant use is preauthorized are as follows:

Zone 1: No Pre-authorization

Geographic scope:

Zone 1 is defined as waters that lie landward of the 3 nautical mile line or in a water depth of less than or equal to 10 meters (≅33 feet) as reflected on NOAA charts along the coast of Maine and New Hampshire.

No advance approval for Zone 1:

There is no advance or expedited approval or preauthorization for the use of dispersants within Zone 1. The use of dispersants within this zone will be authorized by the FOSC with the concurrence of the EPA representative, concurrence of the RRT representative of the states with jurisdiction over the navigable waters threatened by the release and consultation with the DOC and DOI resource trustees, when practicable, in accordance with Subpart J of the National Contingency Plan.

Zone 2: Partial Pre-authorization

Geographic Scope:

Zone 2 is defined as waters that lie seaward of the 3 nautical mile line and landward of the 12 nautical mile line (outer boundary of the territorial sea) and in a water depth of greater than 10 meters (≅33 feet) as reflected on NOAA charts along the coast of Maine and New Hampshire.

Expedited approval for Zone 2:

There is expedited approval or preauthorization for the use of dispersants within Zone 2. The use of dispersants within this zone will be authorized by the FOSC in consultation with the RRT1 EPA representative, concurrence of the RRT representative of the states with jurisdiction over the navigable waters threatened by the release and in consultation with the DOC and DOI resource trustees, when practicable.

Zone 3: Pre-authorization

Geographic Scope:

Zone 3 is defined as waters that lie seaward of the 12 nautical mile line (outer boundary of the territorial sea) out to the extent of the Exclusive Economic Zone (200 mile limit) and in a water depth of greater than 10 meters (≅33 feet) as reflected on NOAA charts along the coast of Maine and New Hampshire.

Advance approval for Zone 3:

There is approval or preauthorization for the use of dispersants within Zone 3. The use of dispersants within this zone will be authorized by the FOSC in consultation with the RRT1 EPA representative, RRT representative of the states with jurisdiction over the navigable waters threatened by the release and with the DOC and DOI resource trustees, when practicable.

9508.4 Protocols

As attested by the approval of this Preauthorization Plan, the RRT I representatives from EPA, MEDEP, and NHDES, and the DOI and DOC/NOAA natural resource trustees, agree that the pre-designated FOSC has the authority and may order the use of dispersanton oil discharges using the guides found in Subpart J of the NCP, Section 2 of the Region I RCP, and this section subject to the following conditions:

The FOSC may authorize the use of dispersants on a release or discharge to prevent or substantially reduce a hazard to human life without obtaining concurrence from EPA, affected States, DOI, and DOC/NOAA, without following protocols established in this Plan, and without following the guides in the RCP and ACP. If dispersants are used in this manner, notification to EPA, affected States, DOI, and DOC/NOAA shall be made as soon as practicable. Once risk to human life has subsided, these exceptions no longer apply.

Any dispersants used must be listed on the most current version of the NCP Product Schedule.

If a decision is made by the FOSC to use dispersants, under the provisions of this Plan, the FOSC will notify key stakeholders of that decision as soon as possible. This initial notification will include, but is not limited to, the following information to the extent available:

- Type and amount of oil discharged.
- Areas affected.
- The projected area of impact of the oil if not dispersed.
- Type of chemical agent to be used.
- Application rate and method.
- On scene weather.

Whenever possible, approval for use of dispersants will be proceeded by completion of a:

- Dispersant Use Application by the Responsible Party or other applicant,
- Incident-Specific Resources at Risk form by the natural resource trustees,
- FOSC Dispersant Use Decision Checklist and
- Agency Dispersant Use Decision Document.

If dispersants are used as described in this Plan or for the protection of human life, a post incident debriefing will take place within 45 days to gather information concerning the effectiveness of the chemical agents used and whether any changes to this Plan are necessary. The results of the debrief will be included in the FOSC report.

Monitoring for dispersants application and effectiveness will be conducted. An inability to implement a Monitoring Plan in a timely manner will not revoke the FOSC's authorization to use dispersants under this Plan. However, the FOSC should make all attempts to implement a Monitoring Plan as soon as practical.

9508.5 Amendments

This Preauthorization Plan shall be reviewed every five years by the Maine and New Hampshire Area Committee at the first meeting of the full Area Committee in the calendar year.

A list of dispersant resources can be found in Appendix I of the Maine Department of Environmental Protection Marine Oil Spill Contingency Plan at: http://www.maine.gov/dep/rwm/emergspillresp/marine.htm

9508.6 Unified Command Dispersant Worksheet

The worksheets for evaluating the potential use of dispersants during a response are currently being updated by a subcommittee of the Maine and New Hampshire Area Committee.

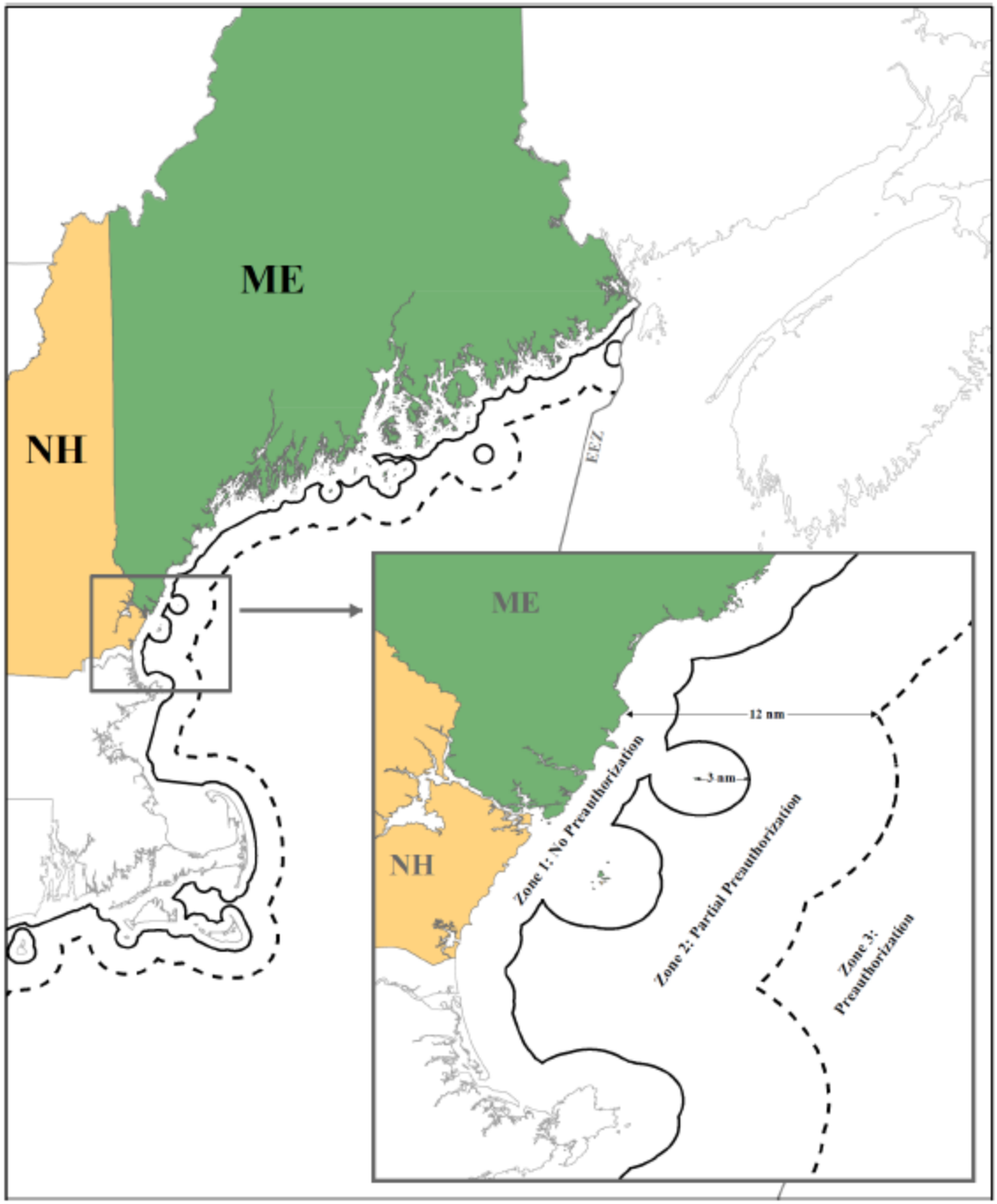
A map delineating the 3 general dispersant pre-authorizations zones follows:

Zone 1: No pre-authorization

Zone 2: Partial pre-authorization

Zone 3: Pre-authorization

ME/NH Dispersant Pre-authorization Zones



APPENDIX 6: UNIFIED COMMAND DISPERSANT WORKSHEET

Unified Command Dispersant Worksheet

To be coordinated by the FOSC Staff, Planning Section or R.P. (as practical).
This form should be completed to the degree that information is available, reliable and timely.

Federal On-Scene Coordinator:				
State On-Scene Coordinator:				
Responsible Party (R.P.):				
Points of Contact:	**FOSC Representative**			
	SOSC Representative R. P.			
	Representative Planning			
	Section Chief			
	NOAA SSC			
Information requested:	Date:		Time:	
Recommendations delivered:	Date:		Time:	

•••• Recommendations to the Unified Command ••••

(see Data Appendix for details)

MA/RI Area Committee
FOSC Pre-Authorizations
Approved: January 1997
FOSC
>2 N.Miles + 40 Ft Depth

Special Consideration Areas

Jeffreys Ledge (4/1-9/30)
Stellwagen Bank (4/1-11/15)
Great South Channel (4/1-6/30) & (10/1-11/15)
Cape Cod Bay (2/1-5/15)

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Data Appendix

SPILL DATA

Spill Name	Date	Time	Oil Type	**Additional Oil Info:**
				Attached:
Location of Spill: LAT:			LONG:	
Location of area to be treated (general)				

Pre-Approved	**YES**		**NO**	
Is the spill threatening a Special Consideration Area?		NO	YES	

Spill Volume: barrels tonnes meters3 gallons
(circle one)

Is the source expected to continue to discharge? Yes No Unknown

Rate of Discharge: per minute per hour per day
(circle one)

Surface Trajectory Prediction | Graphic Attached: YES NO

(CONSULT WITH THE NOAA SCIENCE SUPPORT TEM)

Dispersion Plume Prediction | Graphic Attached: YES NO

(CONSULT WITH THE NOAA SCIENCE SUPPORT TEAM)

CHARACTERISTICS OF THE SPILLED OIL (FRESH)

Susceptibility to mousse formation	High	Medium	Low	None
Susceptibility to naturally disperse	High	Medium	Low	None

Specific Gravity			API Grav.	
Viscosity		cSt at		degrees F
Pour Point		degrees F		

Trustees/States Potentially Impacted by Un-Treated Oil* (check appropriate box)

	DoD	TRIBAL	MAINE	NEW HAMP.	MASS.
	NOAA	DOI	RH. ISL.	CONN.	NEW YORK
Are Canadian Waters Potentially Impacted by Un-Treated Oil?				NO	YES

Trustees/States Potentially Impacted by Treated Oil* (check appropriate box)

	DoD	TRIBAL	MAINE	NEW HAMP.	MASS.
	NOAA	DOI	RH. ISL.	CONN.	NEW YORK
Are Canadian Waters Potentially Impacted by Treated Oil?				NO	YES

State		State On-Scene Coordinator

WEATHER and WATER CONSIDERATIONS
(at the time of anticipated treatment)

Weather (air)	Air Temp.:				
(Present Conditions On-Scene)	Wind:	Speed		Direction	
Weather (air)	Air Temp.:				
(Forecast Changes -- 12 Hours)	Wind:	Speed		Direction	
Tidal and Current Conditions:	Direction	MaxVelocity			
(FLOODING) Average			Seas in feet (Present)		
(EBBING) Average			Seas in feet (+12 hrs)		
Tides	High	Low	High	Low	Range:
Date:					
Time:					
Tidal Excursion (distance moved in one tidal cycle)				Oceanic	
				Estuarine	
Water	Depth	Temp.		Freshwater	

* As determined by the Scientific Support Team

CHARACTERISTICS OF THE AVAILABLE DISPERSANT AND DISPERSING EQUIPMENT

Name of proposed and/or available dispersant	

NCP National Product Schedule Information

Technical Product Bulletin #		
Revised Listing Date:		
Technical Bulletin Attached:	YES	NO

[www.epa.gov/oerrpage/oilspill/proover.htm]

CONSULT THE AREA PLAN FOR CHEMICAL & EQUIPMENT INFORMATION

Dispersant Availability

Arriving From:	E.T.A. (hrs)	Gallons Available

Total Gallons Available

Application Equipment Availability

Arriving From:	E.T.A. (hrs)	Equipment Available

Area of the spill that can be treated with total available dispersants	percent

Monitoring

Is SMART monitoring available?	YES	NO	ETA:		
SMART Team	AST	GST	PST	Other	
Team Leader:					

HABITAT AND RESOURCE CONSIDERATIONS SECTION

Comments:

Geomorphology of Impacted Beaches (for COASTAL applications or "beach cleaners")

Shoreline Type				
Energy of Beaches (waves)	High	Medium	Low	
Substrate Type				
Land Use				

Vulnerable Resources:

observed or known to be in the treatment impact area

Endangered/Threatened Species	NO	YES		**Was an Overflight Conducted?**	
Name of Lead Observer:					
Name of Resource Reference:				NO	YES
Resource(s) of Concern:				Date:	
				Time Out:	
				Time In:	

Observer or Resource Reference Notes: (include overflight information, if applicable)

Master ____ Copy _____ WITHOUT FOSC APPROVAL

Critical Species	NO	YES	Reference:
(marine mammals, sea turtles, potentially impacted terrestrial mammals and birds)			
Description/Notes:			
Recommendation/Restrictions:			

Waterfowl Considerations	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Aquiculture Facilities	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Shellfish Beds	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Marine or Estuarine Sanctuaries	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Industrial/Commercial	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Cultural/Historic	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Tribe:	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Tribe:	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Tribe:	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Participants in preparing this worksheet:

Name	Title	Org.	Telephone

APPENDIX 7: NATIONAL RESPONSE TEAM REFERENCES

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.

The National Response Team website provides numerous references that can be of assistance during a response. A few examples are listed below:

- Incident Command System/Unified Command Technical Assistance Documents
- Joint Information Center Model Guidance Document: Collaborative Communications during an Emergency Response
- Use of Volunteers Guidelines for Oil Spills
- Chemical Quick Reference Guides

APPENDIX 8: EXECUTIVE ORDERS 12580 & 12777

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.

- Executive Order Number 12580: Superfund Implementation

- Executive Order Number 12777: Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as amended and the Oil Pollution Control Act of 1990

APPENDIX 9: COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY RESPONSE JURISDICTION BOUNDARY

DEMARCATION OF THE INLAND AND COASTAL ZONES

BETWEEN

U.S. ENVIRONMENTAL PROTECTION AGENCY – REGION I

AND

U.S. COAST GUARD – FIRST DISTRICT

FOR

PRE-DESIGNATION OF ON-SCENE COORDINATORS

FOR POLLUTION RESPONSE

IN REGION I

THE STATES OF CONNECTICUT, MASSACHUSETTS, MAINE,

NEW HAMPSHIRE, RHODE ISLAND, AND VERMONT

FEBRUARY 2006

1. PARTIES. The parties to this amendment are the United States Coast Guard (USCG) and United States Environmental Protection Agency (EPA).

2. AUTHORITY. This amendment is authorized under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP; 40 CFR 300.210[b]).

3. PURPOSE. The purpose of this amendment is to revise the existing EPA Region I and USCG First District (Standard Federal Region I) Inland Zone (IZ) and Coastal Zone (CZ) geographical boundaries establishing responsibility for the pre-designation of On-Scene Coordinators (OSCs)[1] for pollution response pursuant to the NCP (30 CFR 300). This amendment clarifies the Inland and Coastal Zone boundaries for the Standard Federal Region I Regional Oil and Hazardous Substances Pollution Contingency Plan (RCP) required by the NCP section 300.210(b), and more precisely defines agency response jurisdiction as stated in the May 2002 Region I RCP. This amendment also establishes a formal mechanism by which OSC responsibility may be transferred between EPA and the USCG during an oil and/or hazardous substance pollution incident. Implicitly included in such a transfer of OSC responsibility is the responsibility for enforcement, as provided for in the USCG and EPA Memorandum of Understanding Concerning the Enforcement of Section 311 of the Clean Water Act, entered into on March 23, 1993.

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[1] The U.S. Coast Guard uses the term *Federal On-Scene Coordinato*r to prevent confusion with the *On-Scene Commander* in the Search-and-Rescue community. For the purposes of this document, only the NCP term *On-Scene Coordinator* and acronym *OSC* are used.

4. RESPONSIBILITIES. In the area covered under this amendment, EPA and the USCG will carry out general agency and incident-specific responsibilities under the NCP, the National Response Framework (NRF), RCP, and the applicable Area Contingency Plan (ACP), and will assist each other to the fullest extent possible to prevent or minimize the impacts of actual discharges or releases or threats of discharges of oil onto navigable waters or adjoining shorelines, and actual releases or threats of releases of hazardous substances into the environment. The terms of this amendment will be incorporated into the applicable RCP and ACPs.

Inland Zone

The Inland Zone for Standard Federal Region I consists of the environment inland of the geographical boundary line promulgated under the RCP and revised by this amendment. This area inland of the boundary line excludes specified ports and harbors on inland rivers as described in the RCP.

EPA provides the pre-designated OSC for pollution response in the Inland Zone. Response to discharges or releases, or a substantial threat of such a discharge of oil or release of a hazardous substance originating within the Inland Zone, including those from unknown sources, is the responsibility of the EPA OSC. Discharges and releases which originate within the Inland Zone but impact the Coastal Zone remain under the jurisdiction of the EPA OSC (for elaboration see below, "Mutual Response Support and Transfer of OSC Responsibility").

Incidents for which EPA does not provide the OSC are outlined in 40 CFR 300.120 (c) and (d):

- releases of hazardous substances, pollutants, or contaminants, when the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of the U.S. Department of Defense (DOD) and the U.S. Department of Energy (DOE);
- remedial responses to facilities owned or controlled by federal agencies other than DOD and DOE; and
- all responses involving DOD owned or controlled military weapons.

Coastal Zone

The Coastal Zone for Standard Federal Region I consists of the environment seaward of the geographical boundary line promulgated under the RCP and revised by this amendment. This area seaward of the boundary line consists of all United States waters subject to the tide, RCP-specified ports and harbors on inland rivers, waters of the contiguous zone, other waters of the high seas subject to the NCP, and the land surface or land substrata, ground waters, and ambient air proximal to those waters.

The cognizant USCG Captain of the Port (COTP) is the pre-designated OSC for pollution response in the Coastal Zone. Response to discharges or releases, or a substantial threat of such a discharge of an oil or release of a hazardous substance originating within the Coastal Zone, including those from unknown sources, is the responsibility of the USCG OSC. Discharges and releases which originate within the Coastal Zone but impact the Inland Zone remain under the jurisdiction of the USCG OSC (for elaboration see below, "Mutual Response Support and Transfer of OSC Responsibility").

Incidents for which USCG does not provide the OSC are outlined in 40 CFR 300.120 (c) and (d):

- releases of hazardous substances, pollutants, or contaminants, when the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of the DOD and the DOE;

- remedial responses to facilities owned or controlled by federal agencies other than DOD and DOE; and
- all responses involving DOD owned or controlled military weapons.

The USCG hazardous substance response role is generally limited to the emergency actions in response to hazardous substance releases, as further defined in the NCP at 40 CFR 300.120(a)(1) and the Department of Transportation (DOT)/EPA Instrument of Redelegation dated May 27, 1988.

Mutual Response Support and Transfer of OSC Responsibility

The EPA/USCG response jurisdiction boundary lines do not preclude mutual assistance between the two agencies during an incident to best utilize the expertise and capabilities of each. For certain incidents, a complete transfer of OSC responsibility may be more practical than providing expertise and resources to the primary agency through mutual support.

A formal agency transfer of OSC responsibility may be appropriate when:

- a hazardous substance response changes from an emergency response to a removal or remedial action;
- one OSC or agency is better suited to coordinate the response to a specific incident based on field of expertise (e.g., the USCG for Inland Zone oil discharges near the boundary that require a navigable water response, or EPA for Coastal Zone releases involving certain hazardous substances);
- releases cross the boundary line and the scope of potential and/or actual environmental impacts in one Zone significantly exceeds the other;
- the OSC's or agency's emergency response workload exceeds existing capabilities; or,
- other incident-specific situations in which EPA or USCG determine that a formal transfer of OSC responsibility is appropriate.

A request for OSC responsibility transfer may be initiated verbally by the OSC. Any transfer initiated verbally should be followed up in writing utilizing the attached form letter. A copy of the signed transfer agreement shall be maintained with the incident file according to standard agency record-keeping procedures.

Incident Origin and Seepage Sites

When discharges of oil or releases of hazardous substances are discovered to have originated from the Zone other than the one originally supposed, the OSC with the responsibility for the source Zone will assume responsibility. A source may be unknown or may occur in both Zones. In that case, the OSC for the Zone most significantly impacted will assume responsibility.

A seepage site should remain under the responsibility of the pre-designated OSC for the zone of origin. OSC responsibility may be transferred when the discharge or release crosses or has the potential to cross the boundary line, and the two agencies agree that the scope of potential and/or actual environmental impacts in one Zone significantly exceeds the other.

Nuclear/Radiological Incidents

Please consult the to the National Response Plan for guidance on coordinating agency and other agency roles in a nuclear or radiological incident. On-Scene Coordinator authorities and responsibilities apply to releases of radionuclides designated as hazardous substances (40 CFR 302.4), except where specifically excluded from the hazardous substance definition (statutory exclusions related to the Atomic Energy Act and Uranium Mill Tailings Radiation Control Act). While a radionuclide release may be fully addressed under the NCP under FOSC authority, there are a number of situation-dependent authorities, responsibilities, and coordinating functions of other federal agencies that may apply. The National Response Plan Nuclear-Radiological Incident Annex reconciles these roles by defining a coordinating agency based on the circumstances of an incident (Table 1 of the Annex), and further defining agency roles and responsibilities for both Incidents of National Significance and lesser incidents. OSCs should implement their NCP authority in a radionuclide release consistent with the coordination mechanisms of the NRP when an incident beyond NCP-only coordination occurs.

Notifications following Transfer of OSC Responsibility

EPA and the USCG often work closely with state and local counterparts during oil and hazardous substance pollution responses. To facilitate federal coordination with the state and local response community following a formal transfer of OSC responsibility, a signed copy of the transfer agreement should be sent to the appropriate state and/or local emergency response department. However verbal notification to the states is required as soon as the transfer of OSC responsibility takes place followed by the signed copy. The lead for enforcement actions may also be determined by the agency providing the OSC under other agreements and procedures; therefore, a copy of the transfer agreement should be sent to USCG and EPA enforcement personnel as appropriate to adjust enforcement lead.

OSC Responsibility under National Response Framework Activation

During pollution responses to natural disasters, homeland security events, or other incidents under an NRF and Emergency Support Function (ESF) #10 activation, many areas within a region may be affected. In some cases, the OSC responsibility pre-designation may not be strictly adhered to in an effort to best utilize available resources in response to pollution issues. However, under ESF #10 activations, care shall be taken to provide OSCs for responses consistent with the parent agency's expertise.

5. POINTS OF CONTACT. Points of contact for coordination, support, and implementation of this amendment are as follows:

Chief, Emergency Planning and Response Branch
U.S. EPA – Region I
5 Post Office Square - Suite 100
Boston, MA 02109-3912

Commander (drm)
First Coast Guard District
408 Atlantic Avenue
Boston, MA 02210-2209
(617) 223-8480

Sector Commander
USCG Sector Northern New England
27 Pearl Street
Portland, ME 04101
(207) 767-0320

Sector Commander
USCG Sector Boston
425 Commercial Street
Boston, MA 02109
(617) 223-3027

Sector Commander
USCG Sector Southeastern New England

1 Little Harbor Road
Woods Hole, MA 02543
(866) 819-9128

USCG Sector Long Island Sound
120 Woodward Avenue
New Haven, CT 06512
(203) 468-4472

Sector Commander

Regional and Area Contingency Plans of the signatory agencies will be amended to incorporate the information and procedures contained herein. This amendment supersedes previous jurisdictional boundaries as stated in the May 2002 Region I RCP for oil and hazardous substance pollution response within Federal Standard Region I.

6. OTHER PROVISIONS. Nothing in this amendment is intended to conflict with current law or regulation or the directives of the USCG, DHS, or EPA. If any term of this amendment is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this amendment shall remain in full force and effect.

7. EFFECTIVE DATE. The terms of this amendment will become effective upon signature of all parties.

8. REVIEW AND MODIFICATION. This document will be subject to review and amendment coincident with each periodic review of the Regional, Area, and other applicable contingency plans and at any other time at the request of any of the signatory parties. The amendment may be modified upon the mutual consent of the parties.

9. TERMINATION. The terms of this amendment, as modified with the consent of both parties, will remain in effect indefinitely. Either party, upon 30 days written notice to the other party, may terminate this amendment.

STATEMENT OF AGREEMENT TO TRANSFER
ON-SCENE COORDINATOR (OSC) RESPONSIBILITY
BETWEEN
U.S. ENVIRONMENTAL PROTECTION AGENCY – REGION I
AND
U.S. COAST GUARD – FIRST DISTRICT*

Pursuant to the Demarcation of the Inland and Coastal Zones for Region I, this agreement documents the following transfer of OSC responsibility (check one):

❑ **from USCG _____ to EPA Region_____**
(Sector) (Region number)

—OR—

❑ **from EPA Region _____ to USCG_____**
(Region number) (Sector)

Responsibility is hereby delegated to the accepting OSC to take response measures deemed necessary to protect public health or welfare or the environment from the following threat or actual discharge or release:

at (location): _____

from (source): _____

description: _____

_____

_____

on or about (time): _____ (date): _____ (year): 20_____ and otherwise identified as (case name or number):_____.

It is hereby agreed:

That this delegation of responsibility is limited solely to the aforementioned incident.

That this transfer of responsibility to the accepting OSC is COMPLETE and will include all associated investigation, cleanup or removal, disposal, public relations, enforcement, incidental paperwork, filing of required reports, and all other responsibilities of the OSC under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

That this transfer will further remain in effect until such time as the accepting OSC has determined that there is no further danger to the public health or welfare.

That this agreement does not preclude continued mutual support between EPA and the USCG as deemed appropriate for this incident.

_____	_____
U.S. COAST GUARD Federal OSC	**U.S. EPA OSC**
_____	_____
DATE	**DATE**

* This document provided as a means, not the sole means, to document transfer of OSC responsibility. If this form is unavailable or OSCs are unable to exchange signatures due to incident circumstances, other communications can be used to effect and document a transfer.

COAST GUARD/ ENVIRONMENTAL PROTECTION AGENCY
RESPONSE JURISDICTION BOUNDARY
CONNECTICUT

In 1979 a continual boundary for the State of Connecticut, delineating inland and coastal areas, was agreed upon by the U.S. Coast Guard and EPA Region I. The boundary begins at the State line on US Rte 1 in Pawcatuck, and ends at the Byram River, between Greenwich, CT and Port Chester, NY.

BOUNDARY

- Starting at the State line, where US Rte 1 enters the State of Connecticut, in the village of Pawcatuck, the boundary follows US Rte 1 to the intersection of West Broad Street.
- The boundary follows West Broad Street, which becomes the Pequot Trail (CT Rte 234), westerly, to Taugwank Road.
- The boundary follows Taugwank Road, northerly to its intersection with 1-95.
- The boundary follows I-95, westerly to CT Rte 117.
- The boundary follows Rte 117, southerly, to US Rte 1.
- The boundary follows US Rte 1, westerly, to its intersection with CT Rte 12, in Groton.
- The boundary follows Rte 12, to its intersection with CT Rte 2, in Norwich.
- The boundary follows CT Rte 2, westerly, to its intersection with CT Rte 32.
- The boundary follows CT Rte 32, southerly, to its intersection with Rte 1-95, in New London.
- The boundary follows Rte I-95, westerly, to its intersection with CT Rte 156, in Lyme.
- The boundary follows CT Rte 156, northerly, to its intersection with Old Hamburg Road in Hamburg.
- The boundary follows Old Hamburg Road until it connects with Joshuatown Road (which becomes River Road). The boundary follows River Road northwesterly, to CT Rte 148, in Hadlyme.
- From Hadlyme, the boundary follows Rte 148, easterly, to the junction with CT Rte 82.
- The boundary follows Rte 82, northerly, to the intersection with CT Rte 149, in East Haddam.
- From East Haddam, the boundary follows Rte 149, northerly, to the junction with CT Rte 151, in Moodus.

CONNECTICUT

- The boundary follows Rte 151, northwesterly, to its intersection with CT Rte 66 in Cobalt.
- From Cobalt, the boundary follows Rte 66, westerly, to Portland, where it follows CT Rte 17A, northerly, to its intersection with CT Rte 17.
- The boundary follows Rte 17, northerly, to its intersection with Main Street, in Glastonbury.
- The boundary follows Main Street through Glastonbury to its intersection with CT Rte 2 in Hochanum.
- The boundary follows Rte 2, northerly, to Rte 1-84 in East Hartford.
- The boundary follows Rte 1-84 across the Connecticut River, then follows I-91, southerly through Hartford, to the intersection with CT Rte 99.
- The boundary follows Rte 99, southerly, to its intersection with CT Rte 9.
- The boundary follows Rte 9, to the Union Street interchange, in Middleton, and along Union Street to River Road.
- The boundary follows River Road, westerly, to Aircraft Road, within the Pratt & Whitney compound.
- The boundary follows Aircraft Road, westerly, to its intersection with CT Rte 154.
- The boundary follows CT Rte 154, southerly, to its intersection with CT Rte 9, in Deep River.
- The boundary follows Rte 9, to its intersection with Rte I-95, in Old Saybrook.
- The boundary follows Rte I-95 to its intersection with US Rte 1, at Exit 55 in Branford.
- The boundary follows US Rte 1, westerly, to Townsend Avenue.
- The boundary follows Townsend and Quinnipiac Avenue, northerly, to CT Rte 80.
- The boundary follows Rte 80, westerly to I-91.
- The boundary follows Rte I-91, southerly to Rte I-95.
- The boundary follows Rte I-95, westerly to the Milford Parkway.
- The boundary follows the Milford Parkway and CT Rte 15, westerly, to CT Rte 110, in Stratford.
- The boundary follows Rte 110, southerly, to Rte I-95.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY
RESPONSE JURISDICTION BOUNDARY (Continued)

CONNECTICUT

- The boundary follows I-95, westerly, to Seaview Avenue.
- The boundary follows Seaview Avenue, northerly, to US Rte 1.
- The boundary follows Rte 1 and Chops Hill Road to CT Rte 8.
- The boundary follows CT Rte 8, southerly, to Rte I-95.
- The boundary follows Rte I-95, westerly, to East Street in Norwalk.
- The boundary follows East Street, northerly, to Wall Street.
- The boundary follows Wall Street, westerly, to West Street.
- The boundary follows West Street, southerly, to Rte I-95.
- The boundary follows Rte I-95, westerly, to Exit 5, where the boundary transfers to US Rte 1 Westerly.
- The boundary follows Rte 1, westerly, to Indian Trail, in Cos Cob.
- The boundary follows Indian Trail, southerly, to Rte I-95.
- The boundary follows Rte I-95, westerly, to Exit 2.
- From Exit 2, the boundary follows Delavan and Mill Street to the Byram River Bridge and Region II.

Notes: Incidents occurring seaward of the boundary are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents that occur on the boundary, or inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

Islands off the coast of Connecticut are within the U.S. Coast Guard's jurisdiction.

MAINE

In 1978 a continual boundary for the State of Maine, delineating inland and coastal areas, was agreed upon by the U.S. Coast Guard and EPA Region I. The boundary begins at the International Bridge, connecting Calais, Maine and St. Stephen, N.B., and ends at the ME Rte 101 Bridge (Eliot Bridge), connecting Maine and New Hampshire.

BOUNDARY

Starting at the International Bridge, Calais, Maine, the boundary follows Main Street to US Rte 1 South.

- The boundary continues, southerly, along US Rte 1 to ME Rte 200 in Sullivan.
- The boundary follows Rte 200, northerly, to its intersection with ME Rte 182, in Franklin.
- The boundary follows Rte 182, southwesterly, to its intersection with US Rte 1, near Ellsworth.
- The boundary follows US Rte 1, westerly, to its intersection with ME Rte 72, in Ellsworth.
- From Ellsworth, the boundary follows Rte 172, southerly, to the intersection with ME Rte 176, in Surry.
- The boundary continues along Rte 176, southerly, to Blue Hill.
- In Blue Hill, the boundary rejoins Rte 172 and continues, southerly, on Rte 172 to its intersection with ME Rte 175, in Sedgwick.
- From Sedgwick, the boundary follows Rte 175, northerly, to its intersection with US Rte 1, in Orland.
- The boundary follows Rte 1, westerly, to ME Rte 15, in Bucksport.
- From the intersection of US Rte 1 and Rte 15, in Bucksport, the boundary follows Rte 15, northerly, to the intersection with US Rte 1A in Brewer.
- From Brewer, the boundary follows Rte 1A into Bangor, then southerly to its intersection with US Rte 1 in Stockton Springs.
- The boundary continues, southerly, along US Rte 1, to its intersection with ME Rte 127 (In 1978 this was ME Rte 128), in Woolwich.
- The boundary initially follows Rte 127, then it follows Rte 128, northerly, to the intersection with ME Rte 197 in Dresden and Richmond Bridge.
- The boundary crosses the bridge, westerly, to ME Rte 24.
- From the intersection of Rte 24 and Rte 197, the boundary follows Rte 24, southerly, to its intersection with US Rte 201 in Topsham.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY
RESPONSE JURISDICTION BOUNDARY (Continued)

MAINE

- From Topsham, the boundary follows US Rte 201, southerly, to Brunswick, and its junction with US Rte 1.
- The boundary follows US Rte 1, southerly, to Bucknam Road, in Falmouth.
- The boundary follows Bucknam Road, westerly, to ME Rte 9.
- From the intersection of Rte 9 and Bucknam Road, the boundary follows Rte 9, through Portland, to its intersection with US Rte 1, in South Portland.
- The boundary follows US Rte 1 southerly, to its intersection with Rte 9 in Saco. (In 1978, this intersection was misidentified as being in Biddeford.)
- The boundary follows Rte 9, southerly, to its intersection with US Rte 1 in Elms (part of Wells).
- The boundary follows US Rte 1, southerly, to its intersection with ME Rte 103, in Kittery.
- The boundary follows Rte 103, northerly, to its intersection with ME Rte 236.
- The boundary follows Rte 236, northerly, to ME Rte 101.
- The boundary follows Rte 101, westerly, across Eliot Bridge, to New Hampshire.

Notes: Incidents occurring on the boundary, or seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

MASSACHUSETTS

In 1978/1979 a continual boundary for the State of Massachusetts delineating inland and coastal areas was agreed upon by the U.S. Coast Guard and EPA Region I. The boundary begins at the New Hampshire/Massachusetts border and ends, initially, at the Westport, MA/Little Compton, RI town line. It resumes at the Tiverton, RI/Fall River, MA boundary and ends at the Seekonk, MA/East Providence, RI border.

BOUNDARY

- The boundary begins in Salisbury, MA, where US Rte 1 crosses into Massachusetts from New Hampshire.
- The boundary runs southerly along US Rte 1 to its intersection with MA Rte 1A, in Newburyport.
- From Newburyport, the boundary follows Rte 1A to the intersection of MA Rte 133 in Ipswich.
- The boundary follows Rte 133, westerly, to the intersection with MA Rte 127, in Gloucester, MA.
- From Gloucester, the boundary follows Rte 127, southwesterly to its intersection with MA Rte 62, in Beverly.
- The boundary follows Rte 62, westerly, through Beverly to MA Rte 128.
- The boundary follows Rte 128, southerly, to the intersection with MA Rte 114, in Peabody.
- From the intersection with Rte 128, the boundary follows Rte 114, southeasterly, to the intersection with MA Rte 129, in Marblehead.
- From Marblehead, the boundary follows Rte 129, southwesterly, to the intersection with MA Rte 1A, in Lynn.
- The boundary follows Rte 1A, southwesterly, to its intersection with Commercial Street, which is also in Lynn.
- The boundary follows Commercial, Bennett, Elmwood, West Neptune, and Minot Streets, generally, in a westerly direction, to MA Rte 107.
- The boundary follows Rte 107, southerly, through Revere, to its intersection with MA Rte 16.
- The boundary follows Rte 16, westerly, to MA Rte 28, in Malden, MA.
- From Malden, the boundary follows Rte 28, southerly, to the Edwin Land Boulevard (formerly Commercial Street) in Cambridge.
- In Cambridge, the boundary follows Edwin Land Boulevard, Monroe Street, and Third Street, in a westerly direction, to Broadway.

MASSACUSETTS

- The boundary follows Broadway, southerly, across the Charles River to Charles Street, in Boston.
- The boundary runs, southerly, through Boston on Charles Street (partially Storrow Drive) and I-93.
- The boundary follows MA Rte 3A from the intersection with I-93, southeasterly in Quincy, to MA Rte 53.
- The boundary follows Rte 53 southerly, to Commercial Street, in Weymouth.
- The boundary follows Commercial Street, northeasterly, to North Street, and then follows North Street, northerly, to Rte 3A.
- The boundary then follows Rte 3A, southeasterly, to the intersection with US Rte 6E in Bournedale.
- The boundary follows Rte 6E, southwesterly, to the intersection with Head of the Bay Road, in Bourne.
- The boundary follows Head of the Bay Road and Red Brook, northerly around Buttermilk Bay, to US Rte 6, in East Wareham.
- From Wareham, the boundary follows US Rte 6, westerly, to the intersection with Main Street, in Fairhaven.
- The boundary then follows Main Street, northerly, which becomes South Main Street, in Acushnet.
- The boundary continues northerly, on South Main Street, to the intersection with Main Street.
- The boundary follows Main Street, westerly, becoming Tar Kiln Road in New Bedford, to MA Rte 18.
- The boundary follows Rte 18 through New Bedford, becoming First Street, to the intersection with Cove Road, at Clark's Cove.
- The boundary follows Cove Road, westerly, to its intersection with Russell’s Mills Road at Bliss Corner.
- The boundary follows Russell's Mills Road, southwesterly, to its intersection with Horseneck Road, at Russell's Mills (Dartmouth).
- The boundary follows Horseneck Road to the intersection with Hix Bridge Road, in South Westport.

MASSACUSETTS

- The boundary runs westerly, along Hix Bridge Road to Drift Road.
- The boundary follows Drift Road southerly, to Main Road, at Westport Point. (This is not written in the boundary description, but shown on maps.)
- The boundary continues northerly, on Main Road, to its intersection with Cornell Road, at Sherman Hill.
- The boundary follows Cornell Road and Adamsville Road, westerly, to the village of Adamsville, in Little Compton, RI.
- The boundary re-enters Massachusetts at the State line, where RI Rte 138 enters Fall River, MA, from Tiverton, RI.
- The boundary follows Rte 138, northerly, to the intersection with MA Rte 79, in Fall River.
- The boundary extends, northerly, to the North Main Street interchange in Assonet, MA via Rte 79 and Rte 24.
- From Assonet, the boundary trends westerly, via North Main Street (Assonet), South Main Street (Berkeley), Elm Street, and Center Street (Dighton), to the intersection with MA Rte 138, in Segreganset (Dighton).
- The boundary follows Rte 138, southerly, to the intersection with US Rte 6, in Somerset.
- The boundary follows US Rte 6, westerly, to the State line with Rhode Island.

Cape Cod

- Starting with MA Rte 28 in Bourne (South of the Bourne Bridge), the boundary extends southerly and easterly, to its intersection with US Rte 6A, in Orleans.
- The boundary follows Rte 6A, westerly, to the intersection with US Rte 6W in Sandwich.
- From Sandwich, the boundary follows US Rte 6W, southwesterly, to the intersection with Rte 28, in Bourne.

Islands

Martha's Vineyard, Nantucket, and all other islands lying off the coast of Massachusetts are the responsibility of the U.S. Coast Guard for providing the predesignated Federal On-Scene Coordinator.

Note: Incidents occurring on the boundary, or seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

NEW HAMPSHIRE

In 1978 a continual boundary for the State of New Hampshire, delineating inland and coastal areas, was agreed upon by the U.S. Coast Guard and EPA Region I. The boundary begins at the Eliot Bridge across the Salmon Falls River that joins ME Route 101 with Gulf Road in New Hampshire, and ends on US Rte 1, at the New Hampshire/Massachusetts border.

BOUNDARY

Starting at the Eliot Bridge, the boundary follows the shore, southerly to US Rte-4 , at Dover Point.

- The boundary follows US Rte 4, westerly, to NH Rte 108 in Durham.
- The boundary follows Rte 108, southerly, to its intersection with NH Rte 33 (formerly NH Rte 101), in Stratham.
- From Stratham, the boundary follows Rte 33 (formerly NH Rte 101), easterly, to its intersection with US Rte 1, in Portsmouth.
- The boundary follows US Rte 1, southerly, to Massachusetts.

Note: Incidents occurring on the boundary, or seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY
RESPONSE JURISDICTION BOUNDARY (Continued)

RHODE ISLAND

In 1978 a continual boundary for the State of Rhode Island delineating inland and coastal areas was agreed upon by the U.S. Coast Guard and EPA Region I. The boundary begins on Adamsville Road at the State line in Adamsville, and initially ends where Rte 138 enters Massachusetts, at Tiverton. The boundary resumes at the State line where US Rte 6 enters Rhode Island, in East Providence, and ends at the US Rte 1 Bridge, between Westerly, RI and Stonington, CT.

BOUNDARY

- Starting at the State line, where Adamsville Road enters Rhode Island from Westport, MA, the boundary follows Adamsville Road, Rte 179 and Cold Brook Road, westerly, to the intersection of Cold Brook Road and Long Highway.

- The boundary follows Long Highway, southerly, to the intersection with John Sisson Road.

- The boundary then follows John Sisson Road, Maple Lane, Brownell Road, and Swamp Road, westerly, to RI Rte 77 (Sakonnet Point Road), in Little Compton.

- The boundary follows Rte 77, northerly, to Highland Avenue, in Tiverton, RI.

- The boundary follows Highland Avenue, northerly, to its intersection with Main Road (formerly RI Rte 77).

- The boundary continues northerly on Main Road, to its intersection with RI Rte 138, also in Tiverton.

- The boundary continues northerly, on Rte 138, to the State line with Massachusetts.

- The boundary re-enters Rhode Island on US Rte 6, at the State line in East Providence, and continues westerly to the intersection with RI Rte 114.

- The boundary follows Rte 114 northerly, to the intersection with Division Street in Pawtucket.

- The boundary follows Division Street, Pleasant Street, and Alfred Stone Road to the intersection with Blackstone Boulevard near the Pawtucket/Providence city line.

- The boundary follows Blackstone Boulevard and Butler Avenue, southerly to Waterman Street.

- The boundary follows Waterman Street, westerly, to the intersection with South Main Street.

- The boundary follows South Main Street, southerly, to its intersection with US Rte 44 (also US Rte 6), crossing the Providence River, westerly, via the Howard Street Bridge, to Dyer Street.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY
RESPONSE JURISDICTION BOUNDARY (Continued)

RHODE ISLAND

- The boundary follows Dyer Street, southerly, to Eddy Street. (These streets no longer connect; therefore, the boundary must be assumed to be a rhumb line, connecting the closest points.)

- The boundary follows Eddy Street, southerly, through Cranston, to its intersection with Broad Street.

- The boundary follows Broad Street, southeasterly, across the Pawtuxet River to its intersection with the Narragansett Parkway.

- The boundary follows the Narragansett Parkway, southerly, to its intersection with
- RI Rte 117.

- Rte 117 forms the boundary, southerly, to Post Road.

- The boundary follows Post Road to its intersection with US Rte 1 South, in Apponaug.

- The boundary follows US Rte 1, southerly, to its intersection with RI Rte 1A in Wickford.

- From Wickford, the boundary follows Rte 1A, southerly, to US Rte 1 in Narragansett.

- The boundary follows US Rte 1, westerly, to Rte 1A in Haversham.

- From Haversham, the boundary follows Rte 1A, via Avondale, northerly, to Westerly, where it joins US Rte 1.

- The boundary follows US Rte 1, westerly, to Connecticut.

Notes: Block Island, Conanicut Island, Rhode Island, and all other islands lying off the coast of Rhode Island are the responsibility of the U.S. Coast Guard for providing the predesignated Federal On-Scene Coordinator.

Incidents occurring on the boundary or to seaward of the boundary are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents occurring inland of the boundary are the responsibility of the U.S. Environmental Protections Agency to provide the On-Scene Coordinator.

APPENDIX 10: INSTRUMENT OF REDELEGATION BETWEEN USCG AND EPA, SIGNED 29 NOVEMBER 1987 AND 27 MAY 1988

Full Text of The Instrument of Redelegation between the CG and EPA dated 11/29/87

INSTRUMENT OF REDELEGATION

1. Except as provided in paragraph 2 below, in accordance with Section 11(g) of Executive Order 12580 of January 23, 1987, the Secretary of the Department in which the Coast Guard is operating hereby delegates to the Administrator, Environmental Protection Agency (EPA), subject to the Administrator's consent:

   a. all functions specified in Sections 2(f), 4(c), and 5(b) of that Executive Order.

   b. the functions specified in Sections 2(i), 2(j)(2), 2(k), and 6(c) of that Executive Order to the extent that those functions relate to the functions specified in Section 2(f) of that Executive Order.

2. **The functions redelegated** under this Instrument of Redelegation **do not include**;

   a. functions related to responses to releases or threats of releases from vessels;

   b. functions related to emergency action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 270.2); and

   c. functions related to emergency action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" when the Coast Guard On-Scene Coordinator (OSC) determines that such an action must be taken pending the arrival on scene of an EPA OSC. Unless otherwise agreed upon by the EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat of release.

3. For purposes of this Instrument, the term "emergency action" includes any removal action which, in the view of the Coast Guard OSC, must be taken immediately to prevent or mitigate immediate and significant danger to the public health, welfare, or the environment. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substance, and the contamination of a drinking water supply.

4. All the functions described in this document, whether redelegated or retained, include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

/s/ (Acting) 11/29/87
Secretary of Transportation

/s/ (Acting) 5/27/88
Administrator, Environmental Protection Agency

APPENDIX 11: INTER-AGENCY MEMORANDUM OF AGREEMENT REGARDING OIL SPILL PLANNING AND RESPONSE ACTIVITIES UNDER THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN AND THE ENDANGERED SPECIES ACT

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

I. INTRODUCTION

A. Parties. The Parties to this agreement are the U.S. Coast Guard (USCG), the U.S. Environmental Protection Agency (USEPA), the Department of the Interior (DOI) Office of Environmental Policy and Compliance, the U.S. Fish and Wildlife Service (USFWS), and the National Oceanic and Atmospheric Administration's (NOAA's) - National Marine Fisheries Service (NMFS) and National Ocean Service (NOS).

B. The Parties have conducted a review of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and associated oil spill response activities to coordinate their actions under Section 1321(d) of the Clean Water Act and Section 7(a)(1) of the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.) (ESA). Section 1321(d) of the Clean Water Act establishes the NCP and assigns responsibilities to Federal agencies in mitigating damage from oil and hazardous materials spills, including the conservation of fish and wildlife. Section 7(a)(1) of the ESA requires all Federal agencies, in consultation with and with the assistance of the Secretaries of the Interior or Commerce, as appropriate, to review their programs and utilize their authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation of listed species. As a result of this review, recommended procedures have been developed that will achieve better conservation of listed species and critical habitat during implementation of oil spill response activities.

C. This agreement provides a general framework for cooperation and participation among the Parties in the exercise of their oil spill planning and response responsibilities. Following the recommended procedures presented in this agreement will better provide for the conservation of listed species, improve the oil spill planning and response procedures delineated in the NCP, and ultimately streamline the process required by Section 7(a)(2) of the ESA.

II. PURPOSE

A. This agreement is intended to be used at the area committee level primarily to identify and incorporate plans and procedures to protect listed species and designated critical habitat during spill planning and response activities. Proactive regional planning may also take into consideration concerns for proposed and candidate species, as well as listed species' habitat not yet designated as critical.[1]

[1] Adverse effects on non-designated critical habitat used by listed species has a potential for having an adverse affect on these listed species. Therefore, planners should consider these areas if information is available.

B. This agreement coordinates the consultation requirements specified in the ESA regulations, 50 CFR 402, with the pollution response responsibilities outlined in the NCP, 40 CFR 300. It addresses three areas of oil spill response activities: pre-spill planning activities, spill response event activities, and post-spill activities. The agreement identifies the roles and responsibilities of each agency under each activity. By working proactively before a spill to identify potential effects of oil spill response activities on listed species and critical habitat, and jointly developing response plans and countermeasures (response strategies) to minimize or avoid adverse effects, impacts to listed species and critical habitat should be reduced or avoided completely. Should a spill occur, response plans and countermeasures will be used to implement response actions to minimize damage from oil discharges in a manner that reduces or eliminates impacts to listed species and critical habitat. In the event that oil spill response actions may result in effects on listed species or critical habitat, the agreement provides guidance on how to conduct emergency consultation under the ESA. It also describes the steps for completing formal consultation, if necessary, after the case is closed, if listed species or critical habitat have been adversely affected.

C. The goal of this agreement is to engage in informal consultation wherever possible during planning and response. With adequate planning and ongoing, active involvement by all participants, impacts to listed species and critical habitat and the resulting need to conduct subsequent ESA Section 7(a)(2) consultations will be minimized or obviated.

III. LEGAL AUTHORITIES

A. The Federal Water Pollution Control Act (FWPCA), 33 U.S.C. § 1321., requires that when a spill occurs, the President take such action as necessary to ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial risk of a discharge of oil into the waters of the United States. The National Contingency Plan (NCP), 40 CFR Part 300, prepared in accordance with the FWPCA, assigns duties to Federal agencies to protect the public health and welfare, including fish, wildlife, natural resources and the public. The NCP designates the Federal On Scene Coordinator (FOSC) as the person responsible for coordinating an oil spill response. (The abbreviation OSC is used in the NCP, while the abbreviation for Federal On Scene Coordinator is FOSC in this agreement.) Nothing in this agreement limits the authority of the Federal On Scene Coordinator as defined in the NCP.

B. The Endangered Species Act of 1973 (ESA), as amended, 16 U.S.C. §1531 et seq., provides a means to protect threatened and endangered species and the ecosystems upon which they depend. The ESA requires that Federal agencies insure that the actions they authorize, fund, or carry out do not jeopardize listed species or adversely modify their designated critical habitat. Regulations for conducting Section 7 consultation are set forth in 50 CFR Part 402.

IV. DEFINITIONS

The following definitions apply to this agreement and are taken from the definitions contained in either the NCP or the March 1998 USFWS & NMFS Endangered Species Consultation Handbook. For definitions of terms not listed below, refer to the USFWS & NMFS Endangered Species Consultation Handbook and the NCP as appropriate.

Area Committee - the entity appointed by the President consisting of members from qualified personnel of Federal, state, and local agencies with responsibilities that include preparing an area contingency plan for an area designated by the President. The chairs of the Area Committee are the USCG for coastal and Great Lakes plans, and the USEPA for inland plans. In some instances the Regional Response Team (RRT) may act as the Area Committee. In this MOA, the term Area Committee also includes the RRT acting as the Area Committee.

Area Contingency Plan (ACP) - the plan prepared by an Area Committee (or the RRT acting as the Area Committee) that is developed to be implemented in conjunction with the NCP and Regional Contingency Plan (RCP), in part to address removal of a worst case discharge and to mitigate or prevent a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an area designated by the President. A detailed annex containing a Fish and Wildlife and Sensitive Environments Plan prepared in consultation with the USFWS, NOAA, and other interested natural resource management agencies should be incorporated into each ACP. In this MOA, the term ACP also includes sub-area ACP's, sub-area contingency plans, geographic response plans and geographic response strategies as per 40 CFR 300.210.

Biological Assessment - information prepared by or under the direction of the Federal action agency (USCG or USEPA) regarding: 1) listed and proposed species and designated critical habitat that may be affected by proposed actions; and, (2) the evaluation of potential effects of the proposed actions on such species and habitat.

Biological Opinion - document which includes: (1) the opinion of the USFWS or NMFS as to whether or not a Federal action is likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of designated critical habitat; (2) a summary of the information on which the opinion is based; and (3) a detailed discussion of the effects of the action on listed species or designated critical habitat. This document will also contain an incidental take statement, that, if appropriate, exempts the Federal actions from the ESA Section 9 take prohibitions.

Candidate species – plant and animal taxa considered for possible addition to the List of Threatened and Endangered Species.

Case is Closed – When removal operations are complete in accordance with 40 CFR 300.320(b).

Critical habitat - areas designated by the USFWS and NMFS pursuant to Section 4 of the ESA for the purposes of identifying areas essential for the conservation of a threatened or endangered species and which may require special management considerations.

Emergency Consultation – an expedited consultation process that takes place during an emergency (natural disaster or other calamity) (50 CFR 402.05). The Services have determined that oil spill response activities qualify as an emergency action. The consultation may be initiated informally. The emergency continues to exist until the removal operations are completed and the case is closed in accordance with 40 CFR 300.320(b). The FOSC will continue to conduct emergency consultations, if needed, until the emergency is over and the case is closed. Formal, or informal, consultation is initiated after the emergency is over, at which time the USFWS and/or NMFS evaluates the nature of the emergency actions, the justification for the expedited consultation, and any impacts to listed species and their habitats.

Federal On Scene Coordinator (FOSC) - the Federal official predesignated by USEPA or the USCG to coordinate and direct responses under the FWPCA as defined in the NCP.

Formal Consultation[2] - a process between USFWS or NMFS and the Federal action agency (USCG or USEPA) that: (1) determines whether a proposed Federal action is likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat; (2) begins with a Federal agency's written request and submission of a complete Section 7 consultation initiation package; and (3) concludes with the issuance of a biological opinion and incidental take statement, as appropriate, by either of the Services. If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required (except when the Services concur, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat. See informal consultation).

Incidental Take - take of listed fish or wildlife species that results from, but is not the purpose of, carrying out an otherwise lawful activity conducted by a Federal agency or applicant.

Informal Consultation - an optional process that includes all discussions and correspondence between the USFWS or NMFS and the Federal agency (USCG or USEPA) or designated non-Federal representative, prior to formal consultation, to determine whether a proposed Federal action may affect listed species or critical habitat. This process allows the Federal agency to utilize the Services' expertise to evaluate the agency's assessment of potential effects or to suggest possible modifications to the proposed action, which could avoid potential adverse effects. If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required (except when the Services concur, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat).

[2] Formal consultation can occur during planning or after the conclusion of emergency consultation if listed species or critical habitat have been affected.

Listed Species – for the purposes of this MOA, any species of fish, wildlife or plant, which has been determined to be endangered or threatened under Section 4 of the ESA.

National Contingency Plan (NCP) – National Oil and Hazardous Substances Pollution Contingency Plan. The NCP is a national plan that provides the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants and contaminants. The NCP is set forth in 40 CFR 300.

National Response Team (NRT) - a national team, defined under the NCP, responsible for national planning, policy, and coordination for hazardous substance and oil spill preparedness and response, consisting of representatives from agencies named in 40 CFR 300.175(b).

Regional Response Team (RRT) - a regional team of agency representatives that acts in two modes: the standing RRT and incident specific RRT. The Co-chairs are the USCG and USEPA. The standing team is comprised of designated representatives from each participating Federal agency, state governments and local governments (as agreed upon by the states). Incident-specific teams are formed from the standing team when activated for a response. The role of the standing RRT includes establishing regional communications and procedures, planning, coordination, training, evaluation, preparedness and related matters on a region-wide basis. It also includes assisting Area Committees in coordinating these functions in areas within their specific regions. The role and composition of the incident-specific team is determined by the operational requirements of the response. During an incident, it is chaired by the agency providing the FOSC.

Services – Term used to refer to both the USFWS and NMFS.

V. PROCEDURES

Oil spill planning and response procedures are set forth in the NCP. This agreement is intended to facilitate compliance with the ESA without degrading the quality of the response conducted by the FOSC, to improve the oil spill planning and response process, and ensure continued inter-agency cooperation to protect, where possible, listed species and critical habitat.

A. PRE-SPILL PLANNING

(1) While drafting Area Contingency Plans themselves may not result in effects to listed species, actions implemented under the plans may. It is essential that the Area Committee engage USFWS and NMFS during the ACP planning process while developing or modifying the ACP and response strategies. This informal consultation can be used to determine the presence of listed species or critical habitat, and the effects of countermeasures, and to ensure that measures to reduce or avoid impacts to listed species and critical habitats during oil spill response activities are developed. By consulting on the anticipated effects prior to implementing response actions, decisions can be made rapidly during the spill, harm from response actions can be

minimized, and implementation of response strategies specifically designed to protect listed species and critical habitat can be achieved.

(2) The pre-spill planning process is shown as a flow chart in Appendix A. The Area Committee Chair will request, in writing, that endangered species expertise and a species list be provided by the Services.[3] The request should also describe the area and include a general description of the countermeasures being considered and the planning process to be used (e.g., a workgroup). In order to document the request for consultation and planning involvement, the request shall be sent to both NOAA and USFWS. To obtain NMFS assistance, a request should be sent to the Department of Commerce (DOC) RRT representative, with a copy to the NOAA Scientific Support Coordinator (SSC) and the NMFS Regional Field Office. For USFWS support, a request should be sent to the local USFWS field office(s), with a copy to the USFWS Regional Response Coordinator (RRC) at the appropriate USFWS Regional Office(s) and the DOI RRT representative. It is the responsibility of the USFWS RRC, acting through the Ecological Services Assistant Regional Director, and the NOAA SSC to act as a liaison between the respective Service and the Area Committee. USFWS and NMFS will orally respond to the request within 30 days of receipt and provide a written response within 60 days. The response should include designation of a listed species expert to assist the Area Committee.

(3) If listed species or critical habitat are present in the planning area being considered the Area Committee should use a planning process that ensures engagement of Service experts.[4] This process shall ensure that the appropriate participants jointly gather and analyze the information needed to complete the Planning Template in Appendix C. This planning process constitutes informal consultation.[5] The goals of this planning process are to identify the potential for oil spill response activities to adversely affect listed species and critical habitat and to identify for inclusion in the ACP information on sensitive areas, emergency response notification contacts, and any other information needed. Methods should be developed to minimize identified adverse effects and, where necessary, the plan should be modified accordingly. If specific sources of potential adverse effects are identified and removed, the Services will provide a concurrence letter and Section 7(a)(2) requirements will be deemed to have been met.[6]

(4) If, after the process in Appendix C has been followed, it cannot be determined that adverse effects will not occur during a response action, the USCG or USEPA, as appropriate, will initiate formal consultation using the information gathered in Appendix C; this information will be used by the Services to complete formal

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[3] 40 CFR 300.170(a).

[4] Process options include using an informal workgroup; formal workgroup, Environmental Risk Assessment process, or other process based on Area Committee needs.

[5] This process does not negate any regional consultations that have already occurred, nor alter the strategies/procedures in the ACP until the ACP is officially modified in consultation with USFWS or NMFS.

[6] Letter is required for the administrative record. See Appendix E.

consultation.[7] This will be a programmatic consultation that generally addresses oil spill response activities at issue in the plan area. At times when specific information is available about certain oil spill response methods and listed species and critical habitat, it may be possible to pre-approve particular activities that may be implemented in the event there is insufficient time to initiate emergency consultation before the need to take action. [8]

(5) All parties recognize that development and modification of the ACP is an ongoing process. Changes, including modifications to response actions or changes to the species list, should be addressed regularly through a dynamic planning process. The Services should contact the Area Committee or workgroup if they become aware of newly listed species that may be affected by planned response activities. The Area Committee should likewise notify the Services of changes to planned response activities. The Area Committee or workgroup should evaluate any changes and assess the need for additional consultation as needed.

B. OIL SPILL RESPONSE

During an oil spill event which may affect listed species and/or critical habitat, emergency consultations under the ESA are implemented (50 CFR 402.05) for oil spill response actions.[9] Emergency consultation may be conducted informally through the procedures that follow (See Appendix A). Emergency consultation procedures allow the FOSC to incorporate listed species concerns into response actions during an emergency. "Response" is defined in this agreement as the actions taken by the FOSC in accordance with the NCP. The FOSC conducts response operations in accordance with the NCP and agreement established in the ACP.

(1) As per the NCP and ACP, the FOSC will notify the RRT representatives of DOI and DOC through the established notification process regardless of whether listed species or critical habitat is present. Upon notification, the DOC and DOI representatives shall contact the NOAA SSC and RRC, respectively, and other appropriate Service contacts as provided in internal DOC or DOI plans, guidance, or other documents. If established in the ACP, the FOSC may also contact the Service regional or field offices directly (see Section V(A)(3) above). If listed species and/or critical habitat are present or could be present, the FOSC shall initiate emergency consultation by contacting the Services. The NOAA SSC and RRC shall coordinate appropriate listed species expertise. This may require timely on-scene expertise from the Services' local field offices. These Service representatives may, as appropriate, be asked by the FOSC to participate within the FOSC's Incident Command System and provide information to the FOSC.[10]

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[7] Letter is required for the administrative record. See Appendix E.

[8] Due to time constraints associated with spill response, this does not mean that immediate spill response actions cannot occur to meet the requirements of 40 CFR 300.317. However, planning should address specific procedures for initiating emergency consultation for activities that are pre-approved and for those that have not been pre-approved.

[9] Based on pre-spill planning or discovered during the response.

[10] 40 CFR 300.175(b)(7) & (b)(9); 40 CFR 300.305(e).

(2) The ACP, including any agreed upon references cited in the ACP, should form the basis for immediate information on response actions. As part of emergency consultation, the Services shall provide the FOSC with any timely recommendations to avoid and/or minimize impacts to listed species and critical habitat.[11] The NOAA SSC should also be involved in these communications as appropriate. If incidental take is anticipated, and if no means of reducing or avoiding this take are apparent, the FOSC should also be advised and the incidental take documented. If available, the FOSC should consider this information in conjunction with the national response priorities established in the NCP.[12] The FOSC makes the final determination of appropriate actions.

(3) It is the responsibility of both the FOSC and the Services' listed species representatives to maintain a record of written and oral communications during the oil spill response. The checklist contained in Appendix B is information required to initiate a formal consultation in those instances where listed species and/or critical habitat have been adversely affected by response actions.[13] If it is anticipated that listed species and/or critical habitat may be affected, the FOSC may request that the USFWS and/or NMFS representative to the Incident Command System oversee and be responsible for the gathering of the required information in Appendix B while the response is still ongoing.[14] The FOSC may also choose to designate another individual to be responsible for collecting the information.[15] Although in some instances the drafting of information for Appendix B may be completed after field removal operations have ceased, it is anticipated that collection of the information should be complete before the case is officially closed and that no further studies will be necessary.

(4) It is the responsibility of the FOSC to notify the Services' representatives in the Incident Command System of changes in response operations due to weather, extended operations, or some other circumstance. It is the responsibility of the Services to notify the FOSC of seasonal variances (e.g., bird migration), or other natural occurrences affecting the resource. If there is no Service representative in the Incident Command System, the FOSC will ensure that the NOAA SSC and/or DOI representative to the RRT remains apprised of the situation. The Services will continue to offer recommendations, taking into account any changes, to avoid jeopardizing the continued existence of listed species or adversely modifying critical habitat, and to minimize the take of listed species associated with spill response activities.

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[11] See Section 8.1 of the USFWS & NMFS Endangered Species Consultation Handbook (http://endangered.fws.gov/consultations/s7hndbk/s7hndbk.htm).
[12] 40 CFR 300.317 National Response Priorities.
[13] See Section 8.2(B) of the USFWS & NMFS Endangered Species Consultation Handbook.
[14] If requested by the FOSC, the NOAA Scientific Support Coordinator (SSC) may coordinate this data collection.
[15] See Appendix D for example Pollution Removal Funding Authorization (PRFA) Statement of Work language.

C. POST RESPONSE

If listed species or critical habitat have been adversely affected by oil spill response activities, a formal consultation is required, as appropriate.[16] Informal emergency consultation shall remain active until the case is closed. The FOSC will initiate consultation on the effect of oil spill response activities (not the spill itself) after the case is closed. Every effort shall be made to ensure that relevant information generated as part of the consultation process is made available for use in the Natural Resource Damage Assessment (NRDA) process. (Note: NRDA activities are separate from this consultation.)

(1) After the FOSC determines that removal operations are complete in accordance with 40 CFR 300.320(b), the impacts of the response activities on listed species and critical habitat will be jointly evaluated by the FOSC and the Services.

(2) If listed species or critical habitat were adversely affected by oil spill response activities, the FOSC will follow the procedural requirements of 50 CFR 402.05(b) (see Appendix A). The document developed by following Appendix B, information required to initiate a formal consultation following an emergency, should be included with a cover letter to the Services requesting consultation and signed by the FOSC. The FOSC will work with the Services and the NOAA SSC, as appropriate, to ensure that Appendix B is complete.[17] This document comprises the FOSC's formal request for consultation.

(3) The Services normally issue a biological opinion within 135 days of receipt of the Section 7 consultation request (50 CFR 402.14). When a longer period is necessary, and all agencies agree, the consultation period may be extended. The final biological opinion will be prepared by the Services and provided to the FOSC, USFWS RRC, NOAA SSC, DOI and DOC RRT members, and the Area Committee Chair so that recommendations can be reviewed by the Area Committee, and where appropriate, implemented to minimize and/or avoid effects to listed species and critical habitat from future oil spill response actions.[18] The result of the consultation should be considered by the FOSC for inclusion in a lessons learned system so changes can be made to the ACP, as necessary, for the benefit of future oil spill response actions. If such changes to the ACP modify the anticipated effects to listed species or critical habitat, the Services should appropriately document the anticipated changes in future effects and complete any appropriate administrative steps.

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[16] If only proposed species or proposed critical habitat have been adversely affected, a formal consultation is not required; however, ESA conference procedures should be followed as appropriate. See the USFWS & NMFS Endangered Species Consultation Handbook for conference information.
[17] The NOAA SSC may also assist.
[18] Recommendations may also be provided for addressing effects caused by spill response actions. This information should be provided to the NRDA process as appropriate.

VI. Points of Contact. The following are the points of contact for each Party:

USCG: Chief, Office of Response, Coast Guard Headquarters (G-MOR), (202) 267-0516.

USEPA: Oil Program Center, U.S. Environmental Protection Agency, (703) 603-8823.

NOAA - NMFS: Section 7 Coordinator, Endangered Species Division, Office of Protected Resources, (301) 713-1401.

USFWS: National Spill Response Coordinator, U.S. Fish and Wildlife Service, Division of Environmental Quality, (703) 358-2148.

NOAA - NOS: Director, Office of Response and Restoration, (301) 713-2989 x101.

DOI: Office of Environmental Policy and Compliance, (202) 208-6304.

VII. Funding and Resources. This agreement is not a fiscal or funds obligation document. Nothing in this agreement shall be construed as obligating any of the Parties to the expenditure of funds in excess of appropriations authorized by law or otherwise commit any of the Parties to actions for which it lacks statutory authority. It is understood that the level of resources to be expended under this agreement will be consistent with the level of resources available to the Parties to support such efforts. Any activities involving reimbursement or contribution of funds between the Parties to this agreement will be handled in accordance with applicable laws, regulations and procedures. Such activities will be documented in separate agreements with specific projects between the Parties spelled out. The separate agreements will reference this general agreement.

VIII. Effective Date. The terms of this agreement are effective upon signature by all Parties.

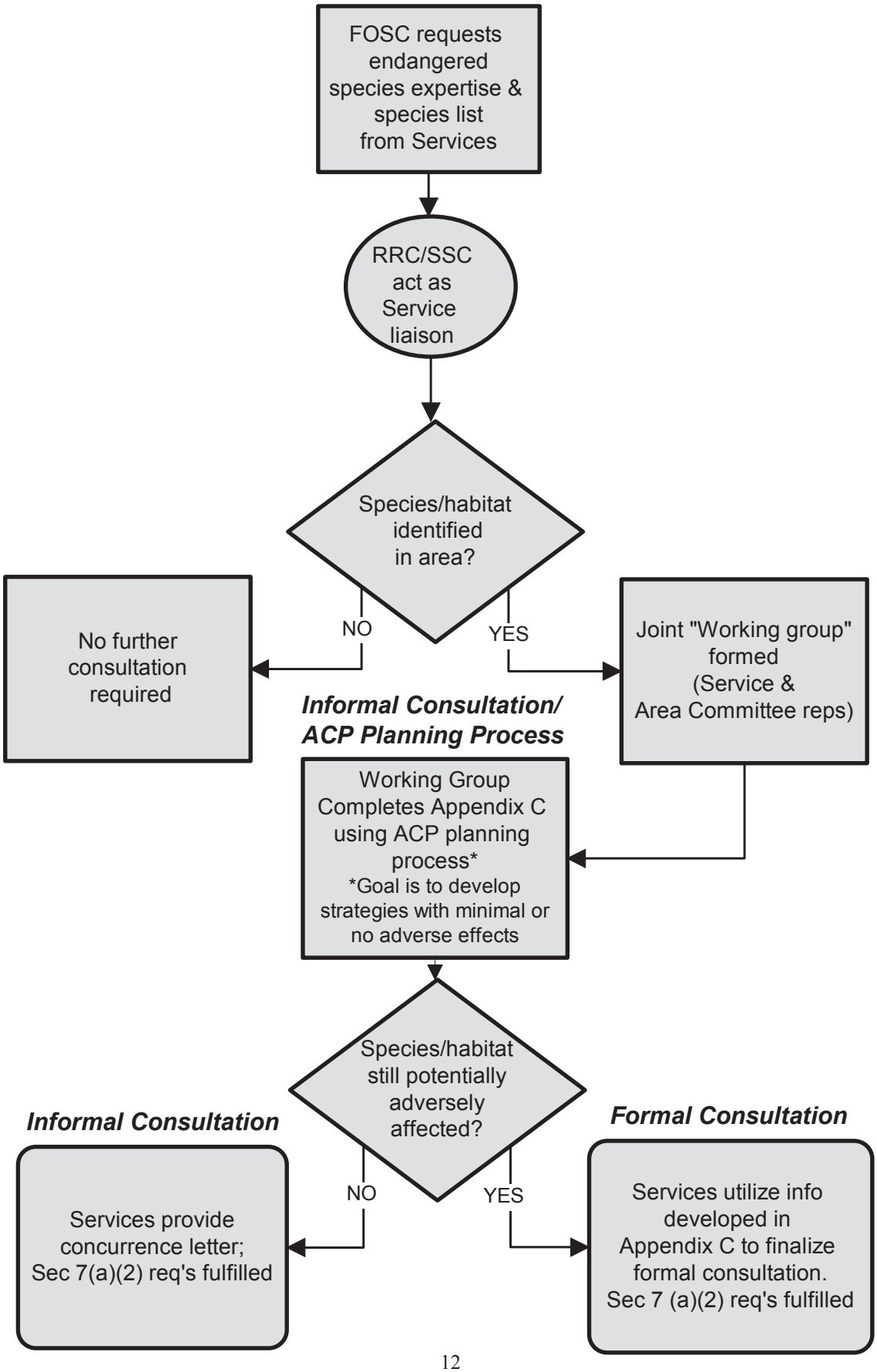
IX. Modification. This agreement may be modified upon the mutual written consent of the Parties.

X. Termination. The terms of this agreement, as modified, with the consent of all Parties, will remain in effect until terminated. Any Party upon 60 days written notice to the other Parties may terminate their involvement in this agreement.

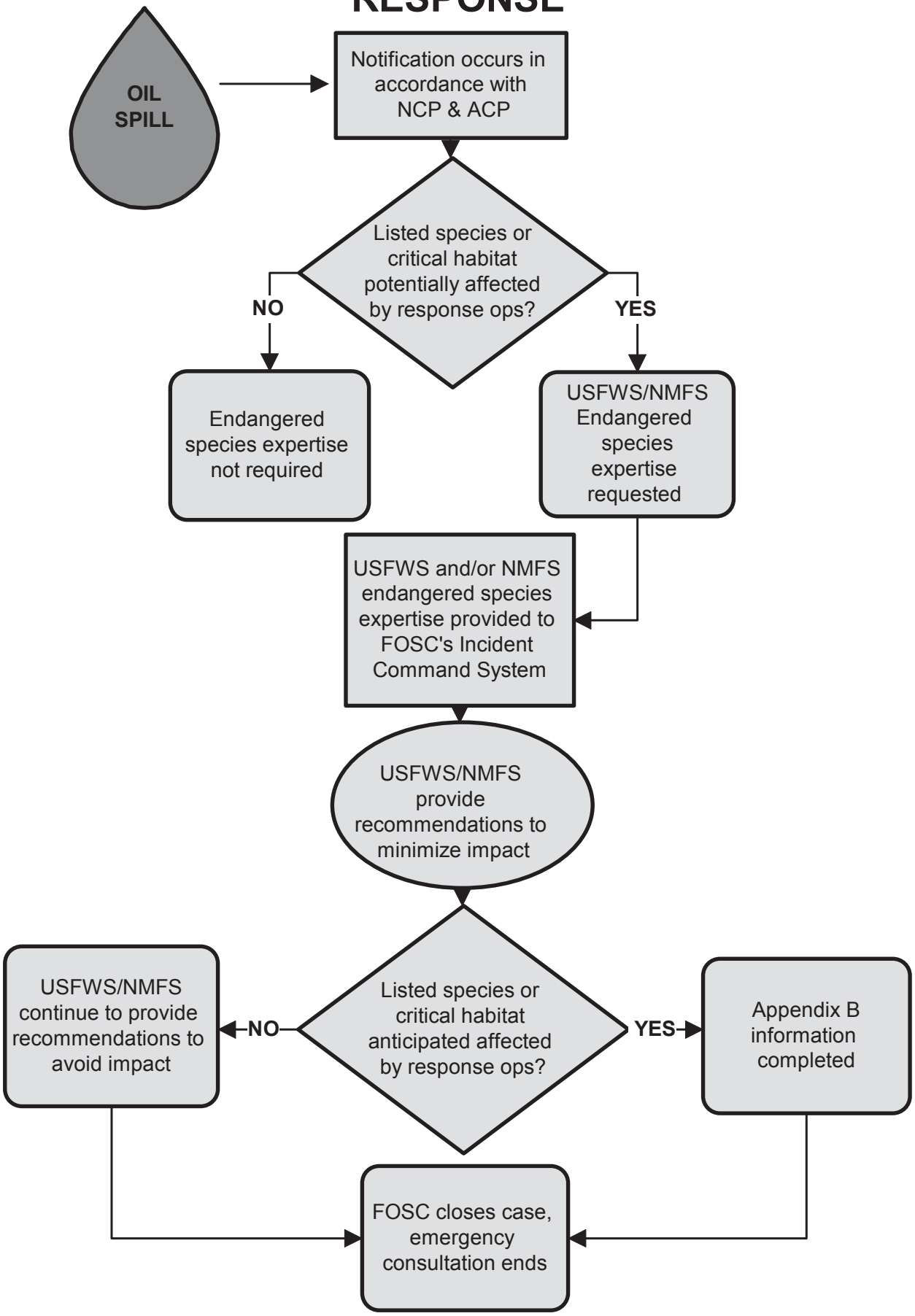
Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act

Approved By:	**Date:**
Assistant Commandant for Marine Safety and Environmental Protection U.S. Coast Guard	5/25/01
Acting Assistant Administrator Office of Solid Waste and Emergency Response U.S. Environmental Protection Agency	7/22/01
Acting Director U.S. Fish and Wildlife Service	8 June 2001
Acting Assistant Administrator for Fisheries National Marine Fisheries Service National Oceanic and Atmospheric Administration	5/15/01
for Assistant Administrator National Ocean Service National Oceanic and Atmospheric Administration	5/30/01
Director Office of Environmental Policy and Compliance Department of the Interior	6/13/01

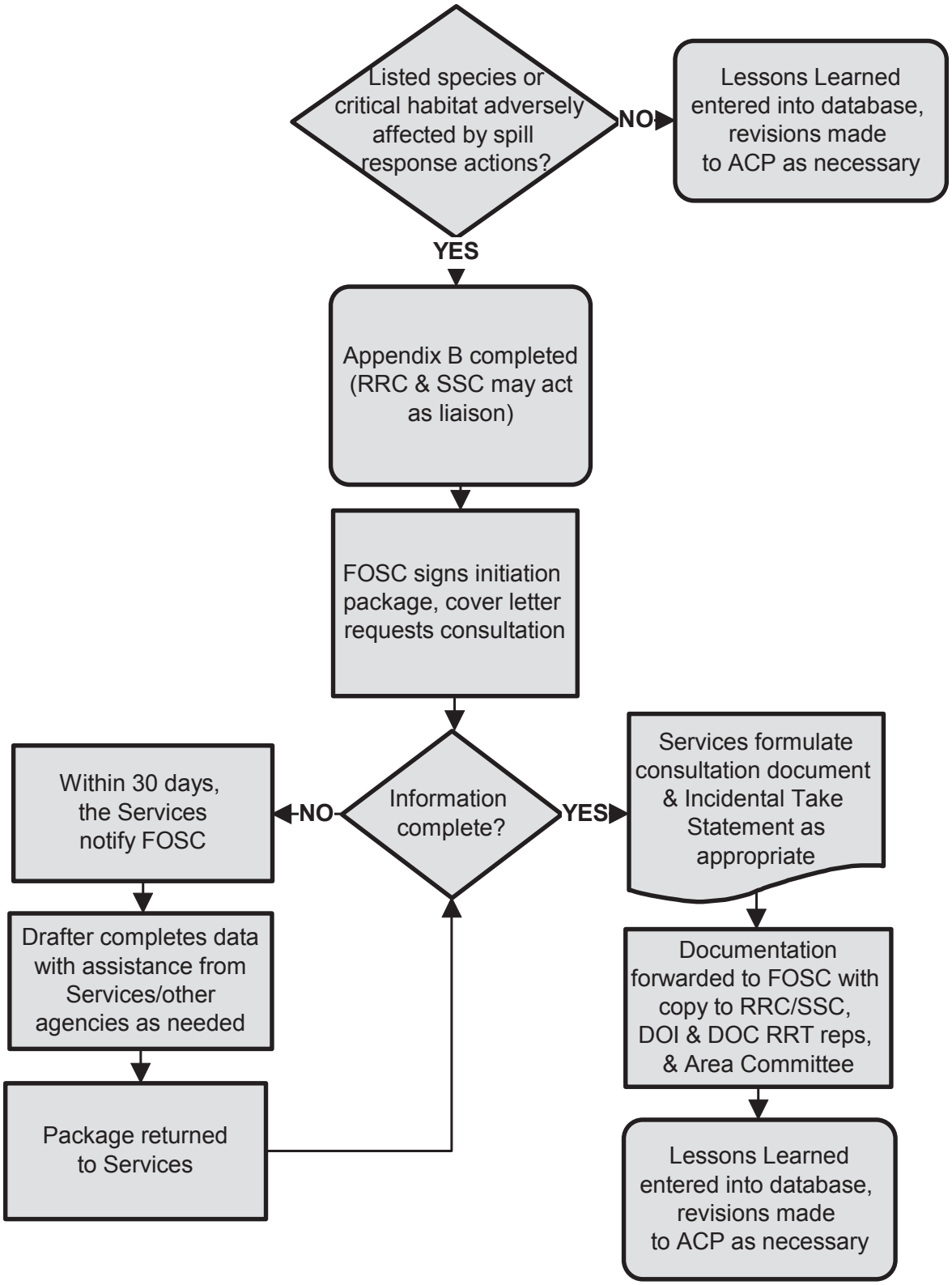
PRE-SPILL PLANNING



RESPONSE


OIL SPILL
Notification occurs in accordance with NCP & ACP
Listed species or critical habitat potentially affected by response ops?
NO
YES
Endangered species expertise not required
USFWS/NMFS Endangered species expertise requested
USFWS and/or NMFS endangered species expertise provided to FOSC's Incident Command System
USFWS/NMFS provide recommendations to minimize impact
Listed species or critical habitat anticipated affected by response ops?
NO
YES
USFWS/NMFS continue to provide recommendations to avoid impact
Appendix B information completed
FOSC closes case, emergency consultation ends

POST RESPONSE



APPENDIX B

EMERGENCY CONSULTATION INFORMATION CHECKLIST IN ANTICIPATION OF FOLLOW-UP FORMAL CONSULTATION (50 CFR 402.05)

As soon as practicable after the emergency is under control, which occurs when the case is closed, the FOSC initiates consultation (either formal or informal, as appropriate) with the Services if listed species and/or critical habitat have been affected. The FOSC should ensure that the following checklist is completed before the case is closed. After the case is closed, this information along with a cover letter requesting consultation will be sent to the Services.

1. Provide a description of the emergency (the oil spill response).

2. Provide an evaluation of the emergency response actions and their impacts on listed species and their habitats, including documentation of how the Services' recommendations were implemented, and the results of implementation in minimizing take.

3. Provide a comparison of the emergency response actions as described in #2 above with the pre-planned countermeasures and information in the ACP.

APPENDIX C

PLANNING TEMPLATE

One of the goals of the Area Contingency Plan (ACP) planning process is to develop strategies or actions that reduce the potential for planned oil spill response activities to adversely affect listed species and designated critical habitat. The planning process may also develop strategies that purposefully protect these resources. The following template is recommended for use by a working group of both Service and Area Committee representatives to develop a document that 1) is used to complete consultation pursuant to Section 7 (a)(2) of the Endangered Species Act of 1973, as amended, and 2) produces information to be included in the appropriate sections of the ACP. To streamline the consultation process, the various sections of this document could be drafted during the planning process and used to develop or modify the ACP.[19] This development process will assist all parties in gaining a thorough understanding of the actions under review and provide opportunities for any Section 7 consultation related issues to be raised and addressed in the planning process, rather than during the oil spill response action.

This template is intended to guide the thought process of creating consultation documents and incorporates content requirements set forth in 50 CFR 402.12 as well as information pertinent to the National Contingency Plan requirements under the Fish and Wildlife Annex; not every item will be applicable to every situation.[20]

Introduction

This section generally should be completed in one, or possibly two paragraphs.

- General overview of the response strategy including: (1) a brief description - one to two sentences; (2) background, history, etc. as appropriate; (3) purpose of the response strategy; (4) identification of the species and designated critical habitat that may be affected (for consultations that will address large numbers of species, it may be desirable to present this list in the form of a table either attached or presented in another section. Also, if species that may potentially occur in the area are not included in this document, explain why).
  This should be developed jointly by the action agency and the Services.

Description of the Proposed Response Strategy

- Provide a description of the response strategy being considered. This is likely to be a detailed description taken substantially from the ACP. It should include how the

[19] It is not required that this planning template be formally written or completed during informal consultation, especially if no modifications to the strategy are required. However, it can be very useful in documenting the [team's] thought process for the administrative record, serving as a guide, or providing additional documentation as needed.

[20] The guide on "Developing Consensus Ecological Risk Assessments" provides procedures which may be helpful in exploring and analyzing these issues. Copies can be obtained from USCG Headquarters (G-MOR-2).

response action will be implemented, including equipment and methods. Examples include use of dispersants to avoid shoreline impacts, and deployment of booms to protect sensitive areas. Include all known aspects of the action, such as time frames, why the action is appropriate, indirect effects, etc. An example of an indirect effect may be hauling boom on, or driving vehicles through, a sensitive dune area to gain access to a spill site.
This should be developed by the action agency with the assistance of the Services.

- Provide a description of specific area that may be affected by the response strategy (i.e. Sample Bay, 100-mile section of outer coastline, etc.). Include some measure of the area potentially impacted (i.e., "This plan addresses oil spill response activities that may be conducted out two miles from the coast throughout the 100 mile coastline area encompassed by this ACP"). If different activities are being proposed in different areas, identify this. The team should discuss the appropriateness of presenting this information in terms of the activities that will be conducted within each area, or the areas where each activity will be conducted. For example, "Dispersants may be applied throughout the 10 mile coastline length of Area A and the 25 mile coastline length of Area B." Maps may be useful.
This should be developed mainly by the action agency; however, modifications may be made with the assistance of the Services and subject to the approval process for chemical countermeasures in the NCP as appropriate.

- Identify how to quickly obtain species/habitat information during a spill (i.e. first refer to ACP and site summary sheet, call State FWS, check website, etc.).
This should be developed jointly by the action agency and the Services.

- Identify emergency response points of contact to be notified during a spill. Establish spill parameters for notification as necessary. These should be included in emergency notification numbers as well as on any site summary sheets, in geographic response plans, etc.
This should be developed jointly by the action agency and the Services.

Description of the Affected Environment

- Describe the listed species and designated critical habitat areas that may be affected by the action in terms of overall range and population status. Include the number and location of known subpopulations within and adjacent to the action area (i.e., identify the areas known to be used by the species and, if appropriate, identify the specific times periods of use, such as February - April). Discuss the action area in relation to the distribution of the entire population (e.g., edge of the range, center of population abundance, key reproductive area, etc.). Present views of Service recognized experts on the species, if appropriate.
This should be provided by the Services.

- Ensure that these sensitive areas are referenced in the ACP (i.e. via ESI maps, specially generated GIS maps, site summary sheets, or other digitized format, etc.).
  This should be completed by the action agency.

- Provide biological data on listed species: historical use, presence, and potential use of habitat areas within the action area. Literature and other documents containing such information may be incorporated by reference. Provide species observation information, and recent results of species surveys, including, if appropriate, a description of methods, time of year surveys were performed, level of effort, and confidence intervals. Again, literature and other documents containing such information may be incorporated by reference. Maps may be useful to depict this information.
  The Services should assist in developing this information. In many instances the Services will be able to supply this information from their records.

- Identify other designated sensitive areas, both adjacent to and within the proposed action area. These include National Wildlife Refuges, National Marine Sanctuaries, etc.
  This should be developed jointly by the action agency and the Services.

Analysis of the Effects of the Action

- Describe all effects of the response strategy relative to the listed species of concern and its habitat, including designated critical habitat. This should include direct, indirect, beneficial, and cumulative effects as well as effects from interrelated and interdependent actions, if any.
  This should be developed jointly by the action agency and the Services.

- Describe any measures that may avoid or lessen adverse effects as well as any measures that will enhance the species' present condition. If appropriate, delineate the locations of such measures. A discussion of environmental "tradeoffs" (including no action) may be appropriate. For example, "Dispersants may be toxic to the listed aquatic species when used in concentrations above 70%; however, oil coming ashore and smothering the listed species in tidal marshes is of greater concern due to the extremely poor conservation status of this species." Reference any already completed relevant reports, studies, biological assessments, etc.
  This should be developed jointly by the action agency and the Services.

Modification to Strategy (as needed)

If necessary, after joint analysis of the information, the action or strategy may be modified.

- Describe the new strategy or action. For example, "Dispersants will not be used in

concentrations above X% or in areas less than three feet deep. They may be used in Area A and Area B. A Service representative from Regional field office B will be contacted during an oil spill response during the months of February - April in Area B."
This should be developed jointly by the action agency and the Services.

Documentation

This template is a guide to help you through the planning process, however, when sections are written out as the process is completed, the final document serves the same purpose as a biological assessment. It may be used to complete consultation pursuant to Section 7 of the ESA.

- The document should be maintained on file by the Services and may be referred to during an oil spill response.

- The Area Committee will ensure that this document becomes part of the ACP as appropriate such as:
  - Included as an appendix to the Dispersant or In Situ Burn Operations Plan;
  - Included as a reference document in the appropriate section of the ACP;
  - Include relevant information in sections of the ACP such as Notifications, Site Summary Sheets, Geographic Response Plans, GIS maps, etc.

- The document should include points of contact from both the action agency and the Services.

APPENDIX D

SAMPLE POLLUTION REMOVAL FUND AUTHORIZATION (PRFA) LANGUAGE*

This Statement of Work (SOW) language is intended as sample language only. The language can be tailored to ensure that the FOSC is provided with the resources needed to meet the desired activities or functions required. Accordingly, more precise or succinct language may be used.

PRFA SOW additional/optional work elements to meet the FOSC's ESA mandated activities associated with removal actions:
…..
To arrange for, and as appropriate coordinate with, the resources needed to meet the conference and consultation requirements of the ESA.
Specific activities anticipated under this requirement include:
(a) Providing the expertise needed to make sensitive removal decisions which could potentially impact on listed species or critical habitats associated with this incident;
(b) Gathering and documenting the information needed to provide input into the aforementioned decisions and to document the resulting impact of removal actions; and
(c) As required, preparing the consultations required of the FOSC for the Service(s).

Funding under this agreement is provided for:
(a) Salaries, travel and per diem;
(b) Appropriate charges for use of equipment or facilities;
(c) Any actual expenses for goods and/or services reasonably obtained in order to provide the agreed upon support to the FOSC removal activities (including contracts.)

* Developed by the National Pollution Funds Center

APPENDIX E

SAMPLE LETTERS FOR REQUESTING CONCURRENCE OR FORMAL CONSULTATION

These sample letters have been developed to assist the Parties to this agreement in documenting the requirements of the Endangered Species Act. This is suggested wording only and may be used to complete the administrative record as needed. The request for concurrence can be used after the planning process for a particular area or countermeasure when it has been determined that no adverse effects will occur. The Services will provide a concurrence letter, as appropriate, for documentation. Alternatively, the request for formal consultation can be used after planning results indicate that adverse effects may still occur. If this is the case, the Services will evaluate the information developed jointly by the workgroup and issue a biological opinion.

Request for Concurrence Letter:

Mr./Ms. xxx
U.S. Fish and Wildlife Service/National Marine Fisheries Service
Division of Endangered Species

Dear Mr./Ms. xxx:

In accordance with the requirements of Section 7 of the Endangered Species Act, I am seeking your concurrence that the [Coast Guard's/EPA's] implementation of the [name of plan] is not likely to adversely affect the [identify the listed species and designated critical habitat that may be affected. Note, in cases where many listed species or critical habitat designations may be involved, it may be appropriate to refer to an attached list]. This [name of plan] has been developed with the assistance of [name of Service staff] of the U.S. Fish and Wildlife Service/National Marine Fisheries Service and in accordance with the procedures identified at 40 CFR Part 300, the National Contingency Plan. To assist in completing informal consultation, please find attached the Biological Evaluation that has been produced through the planning process described in the 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 using the Planning Template contained in Appendix C of that Agreement.

Thank you for your efforts in this matter. If you require additional information, please contact [provide a contact with a telephone number].

Sincerely,

Request for formal consultation:

Mr./Ms. xxx:
U.S. Fish and Wildlife Service/National Marine Fisheries Service
Division of Endangered Species

Dear Mr./Ms. xxx:

In accordance with the requirements of Section 7 of the Endangered Species Act, I am requesting the initiation of Formal Consultation on the effects of the [Coast Guard's/EPA's] implementation of the [name of plan]. Through informal consultation with your staff [or identify the appropriate Service office(s)], we have determined that implementation of spill response activities in accordance with the subject [name of plan] is likely to result in adverse effects to [identify the listed species and designated critical habitat that may be affected. Note, in cases where many listed species or critical habitat designations may be involved, it may be appropriate to refer to an attached list]. This [name of plan] has been developed with the assistance of [name of Service staff] of the U.S. Fish and Wildlife Service/National Marine Fisheries Service and in accordance with the procedures identified at 40 CFR Part 300, the National Contingency Plan. While these actions may result in short-term adverse effects, it is our belief that the species [and designated critical habitat areas] will ultimately benefit from them. To assist in completing Formal Consultation, please find attached the Biological Evaluation that has been produced through the planning process described in the 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 using the Planning Template contained in Appendix C of that Agreement.

Thank you for your efforts in this matter. If you require additional information, please contact [provide a contact with a telephone number].

Sincerely,

APPENDIX 12: NATIONAL RESPONSE FRAMEWORK: EMERGENCY SUPPORT FUNCTION #10: OIL AND HAZARDOUS MATERIALS RESPONSE ANNEX

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.