


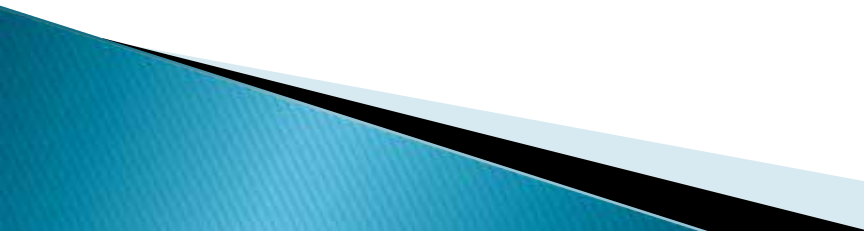
# Revisions to the Caribbean Regional Contingency Plan & CRRT Guidance Documents

CRRT Meeting  
St. Thomas, USVI  
June 15-16, 2016


# RCP Revisions:

- } Finalized in February, but not posted on the old CRRT website.
  
  - } Posted on the new CRRT website at:
    - [www.nrt.org/CRRTplans](http://www.nrt.org/CRRTplans)
  
  - } Added and Rearranged Appendices
- 


# Appendices Added:

- } Surface Washing Agent Testing & Evaluation Protocols (#3)
  - } CRRT Compilation of Best Management Practices (#7)
  - } Revised Grounded Vessel over Corals/Seagrass Habitats Guidance (#11)
  - } Added language referring to them within RCP Section 3: Regional Response Policies
- 

## Section 3.E.1. Chemical Countermeasures

- } Modified language regarding CRRT position on the use of dispersants
  - } Added references to the Dispersant preauthorization Letters of Agreement (LOAs)
  - } Stated that the CRRT is updating and revising its Dispersant Usage Guidance
- 

# Section 3.G. – ESA Consultation Requirements and Procedures

- } Reference confirmation letter that FWS continues to concur with determinations that the use of dispersants, in-situ burning and solidifiers are not likely to adversely affect the manatee and roseate tern.
  - } Added language regarding reinitiation of ESA consultation for dispersant and ISB response operations.
- 


# Section 3.H. – Essential Fish Habitat

- } Added language identifying that the EFH Evaluation has been submitted for Dispersant and ISB Response Operations, and development of BMPs.

## Status of ESA Consultation/EFH Evaluation:

- } Submitted to NMFS on October 5, 2015
- } CRRT Determinations:
  - Dispersants may affect, but not likely to adversely affect, ESA listed species or critical habitat
  - In-situ burning may affect, but not likely to adversely affect, ESA listed species or critical habitat
  - Dispersant and ISB may adversely affect EFH because of direct and indirect impacts, but the impacts would be local, short-term and minor.
- } Awaiting response from ESA & EFH programs


# Miscellaneous:

- } Checked and updated all website links.
  - } Removed the “Roster of CRRT Members” as an Appendix, since we haven’t actually made that roster public for over 20 years due to the inclusion of personal contact information.
  - } Removed CRRT pamphlets as an Appendix; provided links to their posting on the CRRT website (**now needs to be updated for the new site**).
  - } Discussing modifications to St. Croix boundary
- 



# On-Going/Future Efforts:

## Regional Guidance on Protecting Historical Properties (NHPA Section 106)


- } National PA w/ACHP & NRT developed; signed in 1998
  - } CRRT adopted the PA, developed regional guidance document; revised in 2003
  - } Appendix 10 of the RCP
- 

*Caribbean Regional Response Team  
Guidelines for the  
Programmatic Agreement on Protection of  
Historic Properties  
During Emergency Response  
Under the National Oil and Hazardous  
Substances Pollution Contingency Plan*




Developed by the  
Caribbean Regional Response Team  
for Area Contingency Plan Development  
Revised - May 2, 2003

# Focus on Pre-Incident Planning:

- } Identification of Historic Properties
  - } Parties to be Notified
  - } Identification of Emergency Response Strategies
  - } ID who will provide HP properties expertise to the FOSC
  - } Identification of appropriate training for HP Specialists
  - } Development of HP Information for Response Personnel
- 

# Emergency Response:

- } Determination of whether Categorical Exclusions Apply
  - } Activation of HP Specialist
  - } Identification of Historic Properties
  - } Assessment of Potential Effects of Emergency Response Strategies on Historic Properties
  - } Implementation of Decisions about Appropriate Emergency Response Actions
  - } Determination that the National PA Cannot be Satisfied
- 

**ATTACHMENT 1**

**SPILLS OR RELEASES CATEGORICALLY EXCLUDED  
FROM ADDITIONAL NATIONAL HISTORIC PRESERVATION ACT  
SECTION 106 COMPLIANCE**

**Spills/releases onto (which stay on):**

- Gravel pads
- Roads (gravel or paved, not including the undeveloped right-of-way)
- Parking areas (graded or paved)
- Dock staging areas less than 50 years old
- Gravel causeways
- Artificial gravel islands
- Drilling mats, pads, and/or berms
- Airport runways (improved gravel strips and/or paved runways)

**Spills/releases into (that stay in):**

- Water bodies where the spill or release: (1) will not reach land/submerged land; and (2) will not include emergency response activities with land/submerged land-disturbing components
- Lined pits (e.g., drilling mud pits and reserve pits)
- Borrow pits
- Concrete containment areas

**Spills/releases of:**

- Gases (e.g., chlorine gas)

**IMPORTANT NOTE TO FEDERAL ON-SCENE COORDINATORS:** (1) If you are not sure whether a spill or release fits into one of the categories listed above; (2) if at any time, the specifics of a spill or release change so it no longer fits into one of the categories listed above; (3) if the spill is greater than 100,000 gallons; and/or (4) if the State Historic Preservation Officer or the representative of a Federally-recognized tribe notifies you that a categorically-excluded spill or release may have the potential to affect a significant historic property, then you must activate a Historic Specialist in accordance with the Nationwide Programmatic Agreement and the Caribbean Implementation Guidelines.

**ATTACHMENT 2**

**POTENTIAL EMERGENCY RESPONSE STRATEGIES  
FOR HISTORIC PROPERTY PROTECTION\***

<b>RESPONSE STRATEGY</b>
Mechanical recovery (e.g., use of skimmers, booms, sorbents)
In situ burning
Dispersant use
Protective or diversionary booming
Covering site with protective material
Construction of berms or trenches to divert product away from sites/areas
On-scene inspections by the Federal OSC Historic Properties Specialist or individual(s) authorized by the Federal OSC Historic Properties Specialist
On-scene monitoring by the Federal OSC Historic Properties Specialist or individual(s) authorized by the Federal OSC Historic Properties Specialist
Participation in Shoreline Cleanup Assessment Teams by the Federal OSC Historic Properties Specialist or individual(s) authorized by the Federal OSC Historic Properties Specialist
Participation in Shoreline Cleanup Teams by the Federal OSC Historic Properties Specialist or individual(s) authorized by the Federal OSC Historic Properties Specialist
Provision of information on historic properties protection to response personnel
Provision of information to the Federal OSC on historic properties protection for areas/locations proposed for emergency-response-related support activities (e.g., helipads and staging areas)

\* It is important to note that these response strategies are not listed in any priority order. In addition, other response strategies for the protection of Historic Properties may be identified and recommended to the Federal OSC for use during an incident response.

ATTACHMENT 4

**HISTORIC PROPERTY PROTECTION INFORMATION FOR  
EMERGENCY RESPONSE PERSONNEL:  
EXAMPLE**

**Tanker XYZ Cleanup  
Cultural Resource Policy**

The Caribbean Regional Response Team (CRRT) supports the following policy regarding historic properties:

*to preserve and protect the historic, prehistoric and archaeological resources from loss, desecration and destruction so that the scientific historic heritage embodied in these resources may pass undiminished to future generations.*

The Unified Command of the Tanker XYZ cleanup strongly supports this policy, and will ensure compliance with State and Federal laws protecting Historic Properties. On behalf of the FOSC and within the Unified Command structure, the FOSC's Historic Properties Specialist will ensure that historic properties are appropriately considered during oil spill response activities. Response personnel play a key role in this program by being aware of their responsibilities under State and Federal law, and by dealing with sites properly when they are encountered. Whenever personnel encounter or discover an archaeological site or artifact, they are required to:

- Leave historic materials in place at the site of discovery, and mark its location.
- Stop cleanup work in the vicinity surrounding the site unless there is an immediate threat to health and welfare.
- Immediately inform the field supervisor, who in turn, should immediately inform the FOSC's Historic Properties Specialist.

State and various Federal laws and regulations prohibit collecting or tampering with protected historic resources, including artifacts, fossils, human skeletal remains, and other items of antiquity, and violation of the act is a crime. In addition, violation of Federal laws protecting historic resources may result in fines and imprisonment.

All oil spill response personnel (employees and their contractors) must comply with this Historic Resource Policy:

*Anyone found vandalizing, moving, or taking away historic materials will be subject to disciplinary actions up to and including immediate dismissal from their work, and an incident report may be filed with law enforcement authorities, requesting prosecution under applicable law.*

\_\_\_\_\_  
Federal On-Scene Coordinator

\_\_\_\_\_  
State On-Scene Coordinator

\_\_\_\_\_  
By, for, and on behalf of (Responsible Party)

## **FEDERAL ON-SCENE COORDINATOR PROCEDURE FOR DETERMINING WHEN TO ACTIVATE AN HISTORIC PROPERTIES SPECIALIST**

**STEP 1:**     Receive Notification of Oil Spill or Hazardous Substance Release

**STEP 2:**     Determine if Historic Properties Need to Be Considered

Does the spill or release fall into one of the following categories listed in Attachment 1?

- Yes
- No

If the answer is "YES," no other actions regarding Historic Properties protection are required.

If the answer is "NO," proceed to Step 3.

**STEP 3:**     Activate Federal On-Scene Coordinator's Historic Properties Specialist

See Federal OSC's list of pre-identified Historic Properties Specialists.

See Attachment 6 for suggested information to provide to the Historic Properties Specialist upon activation.

*NOTE: Activation of a Historic Properties Specialist must be accomplished in a "reasonable and timely" manner. See Section III of the Caribbean Implementation Guidelines for more detailed information.*



**SUGGESTED INFORMATION TO BE PROVIDED TO HISTORIC  
PROPERTIES SPECIALISTS UPON ACTIVATION**

Name of incident: \_\_\_\_\_

Date/time of incident: \_\_\_\_\_

Spill/release location: land \_\_; water \_\_; land/water \_\_ If on land, estimate number of acres  
contaminated: \_\_\_\_\_

Spill/release coordinates: \_\_\_\_\_ latitude; \_\_\_\_\_ longitude  
If on land, \_\_\_\_\_ township; \_\_\_\_\_ range; \_\_\_\_\_ section

Distance to nearest water body, if on land: \_\_\_\_\_ km/mi

Distance to nearest land, if in water: \_\_\_\_\_ km/mi

Product released: Gasoline \_\_; Diesel #2 \_\_; Light or Heavy Crude \_\_; #6 Oil/Bunkers \_\_; JP4 \_\_;  
Other \_\_\_\_\_

Estimated volume of product released: \_\_\_\_\_ gals/bbls

Release status: Stopped \_\_; Continuing \_\_; Unknown \_\_

Is spill/release: Contained \_\_; Spreading \_\_; Unknown \_\_

Estimated volume of product potentially released: \_\_\_\_\_ gals/bbls/other measure

Have Geographic Response Strategies been approved for the area affected or potentially-affected by the  
spill/release? Yes \_\_\_\_; No \_\_\_\_

Describe any response actions proposed or taken that include ground-disturbing activities:

## HISTORIC PROPERTIES SPECIALIST CHECKLIST\*

**THE FOLLOWING STEPS SHOULD BE TAKEN AS APPROPRIATE BY THE FEDERAL ON-SCENE COORDINATOR'S HISTORIC PROPERTIES SPECIALIST FOLLOWING ACTIVATION:**

<input type="checkbox"/>	If the spill/release occurs in an area where Geographic Response Strategies (GRS) have been developed, check the historic properties note on the GRS and discuss appropriate actions with the Federal OSC.
<input type="checkbox"/>	Identify the (1) location(s) of known historic properties affected or potentially-affected by the spill or release, and/or (2) potential for undocumented & affected or potentially-affected by the spill or release.
<input type="checkbox"/>	<i>Notify/consult with the State Historic Preservation Office.</i>
<input type="checkbox"/>	<i>Notify/consult with all appropriate Federal, State, local, and/or private landowner(s) and/or land manager(s).</i>
<input type="checkbox"/>	<i>Notify/consult with appropriate local interest groups.</i>
<input type="checkbox"/>	<i>Consult with archaeologists/historians knowledgeable about the area.</i>
<input type="checkbox"/>	<i>Consult with Responsible Party's Historic Properties Specialist (if identified).</i>
<input type="checkbox"/>	<i>Consult with local residents.</i>
<input type="checkbox"/>	<i>Review (if available) aerial photos or other documentation of the area affected or potentially-affected by the spill or release (this could include digital photographs/videos taken by on-scene representatives).</i>
<input type="checkbox"/>	Assess whether emergency response strategies have the potential to affect historic properties.
<input type="checkbox"/>	Establish a Historic Properties policy for all spill-related field personnel.
<input type="checkbox"/>	Implement policy through the Unified Command (e.g., Federal OSC, Safety Officer, or other appropriate individuals.)
<input type="checkbox"/>	Help identify strategies (see Attachment 2) to protect historic properties.
<input type="checkbox"/>	Provide information on response activities that have the potential to negatively affect historic properties.

\*It should be noted that additional steps may be required in more complex incidents. In addition, the identified tasks may require additional qualified individuals working under the direction/oversight of the Federal OSC's Historic Properties Specialist. Qualified individuals may include historic resources specialists working for the Responsible Party.

## HISTORIC PROPERTIES SPECIALIST CHECKLIST, CONT.,

**ONE OR MORE OF THE FOLLOWING STEPS SHOULD BE TAKEN AS APPROPRIATE, AT THE RECOMMENDATION OF THE HISTORIC PROPERTIES SPECIALIST FOLLOWING APPROVAL BY THE FEDERAL ON-SCENE COORDINATOR:**

<input type="checkbox"/>	Travel to the spill or release site to inspect or monitor on-site activities to minimize or eliminate potential historic property impacts resulting from response-related activities.	
<input type="checkbox"/>	<input type="checkbox"/>	Provide information on response activities that have the potential to negatively affect historic properties.
<input type="checkbox"/>	Conduct field survey(s) to provide input to the Federal OSC on areas that need protection.	
<input type="checkbox"/>	Participate in assessment teams that survey oiled shorelines and adjacent lands.	
<input type="checkbox"/>	Create a Historic Property Technical Advisory Group to review proposed cleanup strategies for shorelines and adjacent lands.	
<input type="checkbox"/>	Provide on-site monitoring of cleanup crews.	
<input type="checkbox"/>	Conduct archaeological and/or historical recovery at an oiled site.	
<input type="checkbox"/>	<input type="checkbox"/>	Arrange for appropriate permits.
<input type="checkbox"/>	<input type="checkbox"/>	Arrange for disposition of records and collected materials.
<input type="checkbox"/>	Ensure the confidentiality of site location information for all activities identified above.	
<input type="checkbox"/>	Report any actual or suspected artifact theft to the Federal OSC, State Historic Preservation Officer, appropriate law enforcement officials and the landowner and/or land manager.	
<input type="checkbox"/>	<input type="checkbox"/>	Provide input to Unified Command on how to prevent additional artifact theft.

## DOCUMENTATION OF ACTIONS TAKEN THAT RESULTED IN UNAVOIDABLE INJURY TO HISTORIC PROPERTIES

*This form should be completed and submitted, along with any additional supporting documentation, in a reasonable and timely manner to the appropriate entities listed below:*

Name of incident:

Date/time of incident:

Location of incident:

Brief description of response action approved (including the date) by Federal On-Scene Coordinator (OSC) where protecting public health and safety was in conflict with protecting historic properties:  
Brief description of why protecting public health and safety could not be accomplished while also protecting historic properties:

Federal OSC Name and Title:

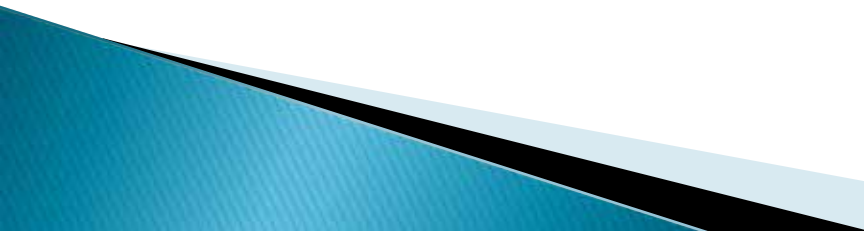
Federal OSC Signature:

Date of Signature:


Faxed to:

- \_\_\_\_\_, State Historic Preservation Officer (\_\_\_\_-\_\_\_\_-\_\_\_\_ fax)
- (Name and fax number of potentially-affected resource managers/trustees):
- (Name and fax number of potentially-affected resource managers/trustees):
- (Name and fax number of potentially-affected resource managers/trustees):


# Draft NHPA Compliance Guide during *Emergency Response*

- } Drafted by DOI's Regional Environmental Officer in Boston, and USCG-D1, for Regions 1 and 2
  - } Recognized that NHPA decision-making process is often not properly documented during actual response actions (DWH)
  - } Have reviewed with NYSDEC and SHPO, others
- 


# New Additions:

- } Notice to Response Personnel on Required Actions After Discovery of Cultural Resources
  
  - } New Checklists:
    - Documentation of Actions Taken that DID NOT AFFECT Historic Properties/Cultural Resources
  
    - Documentation of Actions Taken that DID NOT RESULT IN AN ADVERSE AFFECT on HP/CR
  
  - } Modified Checklist: Documentation of ER Response Decision THAT ADVERSELY AFFECTS HP/CR
- 

# Other Relevant Authorities:


- } The PA does not specifically address:
    - Archaeological Resources Protection Act (ARPA)
    - Antiquities Act
    - National Marine Sanctuaries Act
    - Native American Graves Protection and Repatriation Act (NAGPRA)
  
  - } Draft Guidance includes, for reference, the NAGPRA process model used for National Park Service lands.
  
  - } May add guidance for the other Acts
- 

# Note:

- } Will NOT place new/additional responsibilities on the FOSC.
  - } Intended to document the decision-making processes during response activities.
  - } Will keep posted on development; look to adapt for the CRRT.
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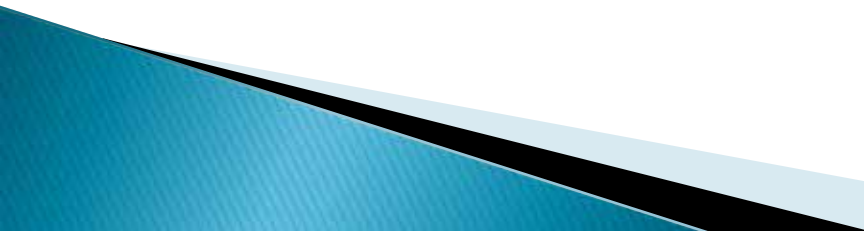


# Dispersant Use Guidance


- } Replaces the old “Dispersant Usage Plan (DUP)
  - } Consists of an Introduction, followed by 3 Sections and \_\_ Appendices .
  - } Section I: Purpose, authority, and scope of the policy.
  - } Section II: Established zones for preauthorized and conditional use of dispersants, as well as Endangered Species Act (ESA) and essential fish habitat (EFH) consultation requirements.
  - } Section III: Protocols for use of dispersants within the Caribbean region.
- 

# Appendices, TBD

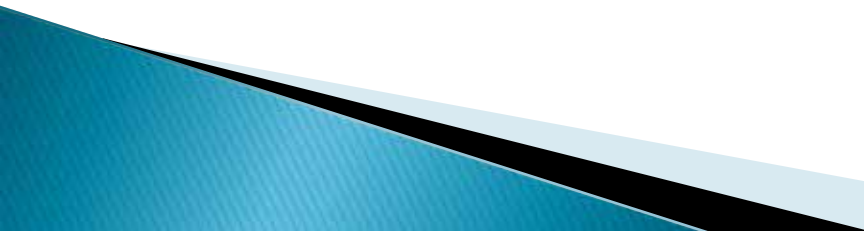
Guidance includes XX appendices as follows:

- } Letters of Agreement on Limited Use of Dispersants and Chemical Agents in the Coastal Waters of Puerto Rico and the U.S. Virgin Islands.
  - } *Dispersant Use Decision Elements and Documentation/ Application Forms (under revision)*
  - } *Dispersant Use Operational Planning and Implementation Guidance (under revision)*
  - } ESA and EFH emergency consultation forms
  - } Completed biological assessments and letters pertaining to ESA Section 7 consultations with NMFS and USFWS
  - } Completed EFH Evaluation and *[response from NMFS]*
  - } Special Monitoring of Applied Response Technologies (SMART) monitoring program
  - } *Any others?*
- 

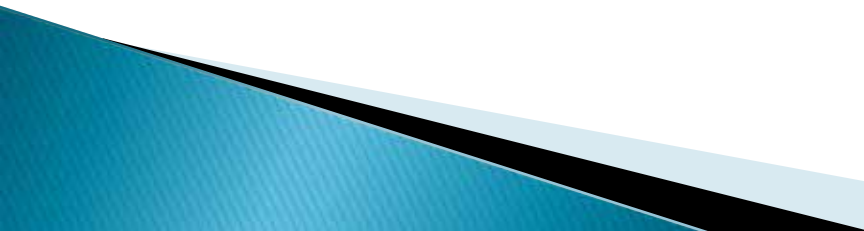
# Guidance Appendices, TBD

- } What format works best/easiest to maintain?
  - } What documents should be Appendices in the RCP vs. in the Guidance document, or both?
  - } During a response, is a stand-alone document more useful than having to cross-reference between the RCP and the Guidance?
- 


# Dispersant Use Decision Elements and Documentation/Application Forms

1. Is The Product Dispersible?
  2. Are The Environmental Benefits Of Dispersing The Oil Likely To Outweigh Those Of Not Dispersing The Oil?
  3. Is The Chosen Dispersant Likely To Be Effective?
  4. Can The Dispersant Application Be Safely And Effectively Implemented, Given Environmental Conditions?
- 

# Dispersant Use Decision Elements and Documentation/Application Forms (cont)

5. Are Sufficient Equipment And Personnel Available To Conduct Dispersant Operations Within The Window Of Opportunity?
  6. Has A Site Safety Plan Been Completed?
  7. Is The Product To Be Dispersed Within A Pre-authorization Zone, or a Consensus Conditional Zone?
  8. Are The Necessary Equipment And Trained Personnel Available To Conduct The Recommended Monitoring Operations?
  9. Has An On-Site Survey Been Conducted To Assure That Endangered Species Are Not In The Application Area?
- 

# Dispersant Use Operational Planning and Implementation Guidance

- } Dispersant Use Decision and Implementation Element Checklist
  - } Application Platform Capability Decision Matrix
  - } Application Operational Feasibility Form
  - } Dispersant Operations Plan
  - } Application Logistics and Support Checklist
  - } Documentation/Application Form
  - } Incident Command Functional Checklists for Dispersant Use
  - } Site Safety Plan Template for Dispersant Operations
- 

# Going Forward:

- } The drafts are under review by the Response Technologies Committee
- } Will send out for general review and comment once all RTC comments are received and incorporated.

