

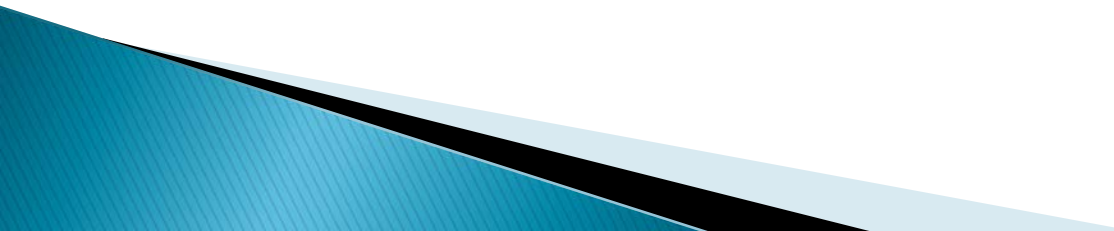
Revisions to the Caribbean Regional Contingency Plan & CRRT Guidance Documents

CRRT Meeting
St. Croix, USVI
August 8–9, 2017

RCP Revisions:

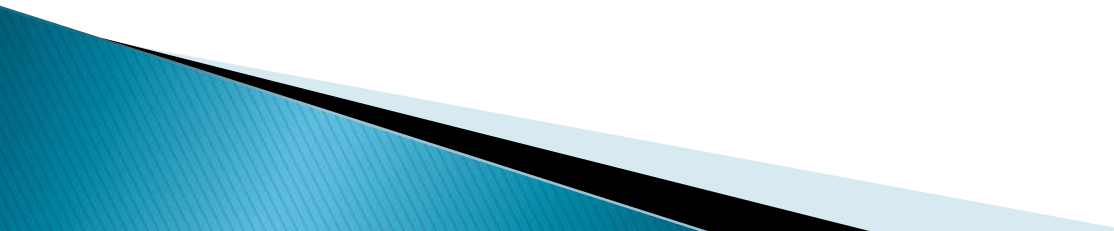
- ▶ Revised in February 2016.
- ▶ Posted on the new CRRT website at:
 - www.nrt.org/CRRTplans
- ▶ Added and Rearranged Appendices

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
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**Programmatic
ESA Consultation
&
EFH Evaluation
on use of
Dispersants & In-Situ Burning**

FWS Review of ESA Determinations on Use of Dispersants & In-Situ Burning

- ▶ Letter sent to FWS in August 2015
 - No significant changes to listed species, previous findings of impact, or planned response actions
 - Requested reaffirmation of previous determinations
 - ▶ Received confirmation letter September 2015
 - 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.
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Status of NMFS ESA Consultation and EFH Evaluation:

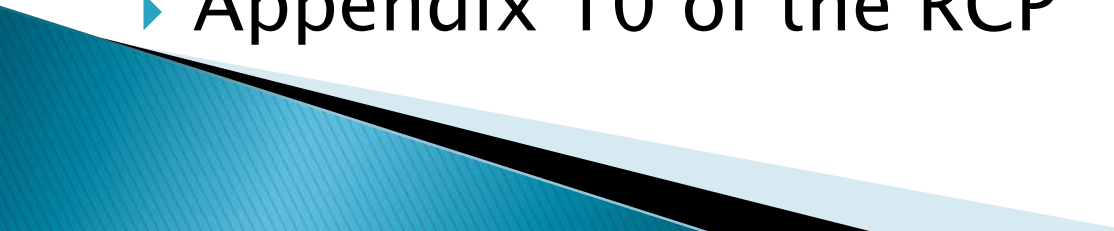
- ▶ Submitted to NMFS SERO on October 5, 2015
 - ▶ CRRT Determinations:
 - **Dispersants** may affect, but not likely to adversely affect, ESA listed species or critical habitat
 - **In-situ burning** may affect, but not likely to adversely affect, ESA listed species or critical habitat
 - Dispersant and ISB may adversely affect EFH because of direct and indirect impacts, but the impacts would be local, short-term and minor
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Status of ESA Consultation/EFH Evaluation:

- ▶ NMFS ESA Response:
 - Letter from Office of Protected Resources (OPR) received on 8/1/2017
 - Consultation was transferred from SERO to OPR on 5/19/2017
 - OPR determined that formal consultation is required
 - Potential take of sea turtles: rescue of oiled turtles where ISB is proposed
 - Formal consultation completion and Biological Opinion expected by 9/30/2017
- ▶ Still awaiting response from EFH program

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
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*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
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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*

RESPONSE STRATEGY
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:		
☐	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.	
☐	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.	
☐	<i>Notify/consult with the State Historic Preservation Office.</i>	
☐	<i>Notify/consult with all appropriate Federal, State, local, and/or private landowner(s) and/or land manager(s).</i>	
☐	<i>Notify/consult with appropriate local interest groups.</i>	
☐	<i>Consult with archaeologists/historians knowledgeable about the area.</i>	
☐	<i>Consult with Responsible Party's Historic Properties Specialist (if identified).</i>	
☐	<i>Consult with local residents.</i>	
☐	<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>	
☐	Assess whether emergency response strategies have the potential to affect historic properties.	
☐	Establish a Historic Properties policy for all spill-related field personnel.	
☐	Implement policy through the Unified Command (e.g., Federal OSC, Safety Officer, or other appropriate individuals.)	
☐	Help identify strategies (see Attachment 2) to protect historic properties.	
☐	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:

☐	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.	
	☐	Provide information on response activities that have the potential to negatively affect historic properties.
☐	Conduct field survey(s) to provide input to the Federal OSC on areas that need protection.	
☐	Participate in assessment teams that survey oiled shorelines and adjacent lands.	
☐	Create a Historic Property Technical Advisory Group to review proposed cleanup strategies for shorelines and adjacent lands.	
☐	Provide on-site monitoring of cleanup crews.	
☐	Conduct archaeological and/or historical recovery at an oiled site.	
	☐	Arrange for appropriate permits.
	☐	Arrange for disposition of records and collected materials.
☐	Ensure the confidentiality of site location information for all activities identified above.	
☐	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.	
	☐	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:

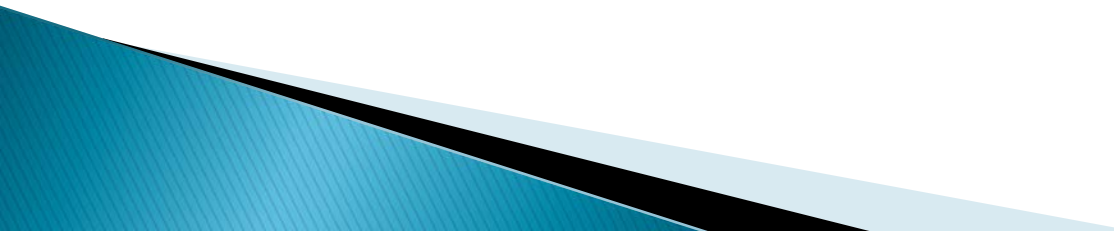
Federal OSC Signature:

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):

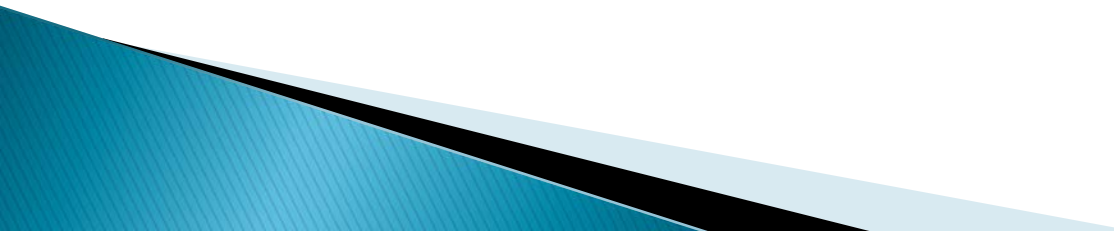
Draft NHPA Compliance Guide during *Emergency Response*

- ▶ 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
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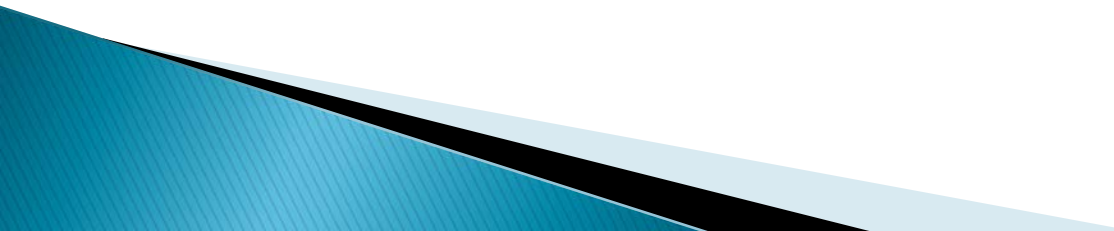
New Additions:

- ▶ 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 (vs. “unavoidable injury”)
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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)
 - ▶ 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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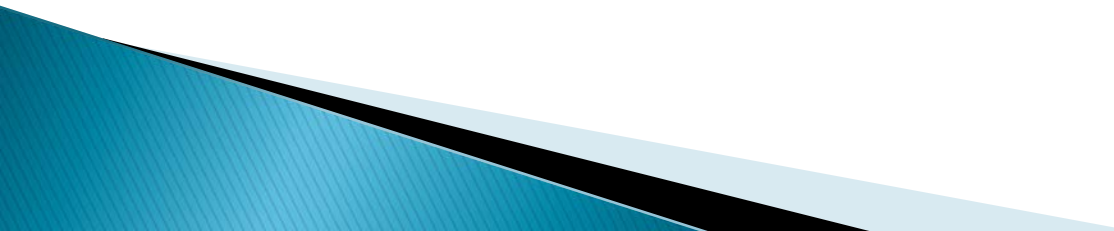
Dispersant Use Guidance

(under development)

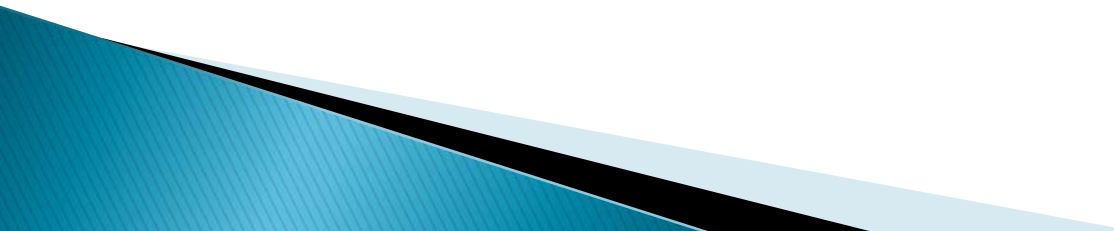
- ▶ Will replace the old “Dispersant Usage Plan (DUP)
 - ▶ Consists of an Introduction, followed by 3 Sections and __ Appendices .
 - ▶ Section I: Purpose, authority, and scope of the policy.
 - ▶ Section II: Established zones for preauthorized and conditional use of dispersants, as well as Endangered 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?
- 

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.
- 