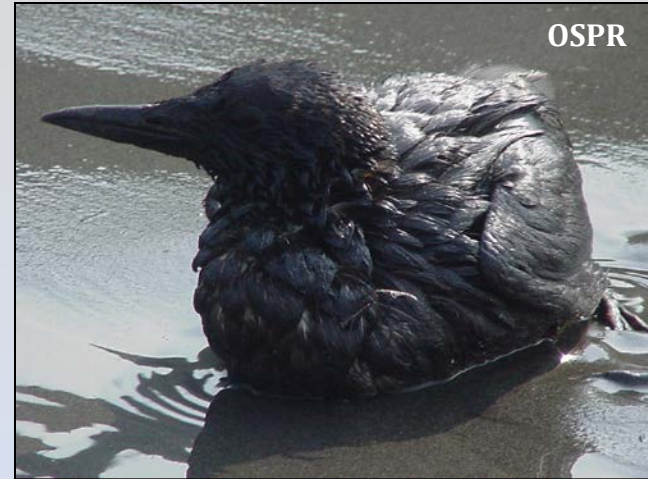


Sanctuary Role in Spill Response



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Spill Response Authority: Federal

Section 311 Clean Water Act gives Federal government (President) authority to:

- 1) remove or arrange for removal of a discharge and mitigate or prevent a substantial threat of a discharge;
- 2) direct or monitor all private, Local, State, Federal actions to remove discharge; and
- 3) if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means available.

This authority delegated to US Coast Guard On Scene Coordinators (Captain of the Port) for marine spills and EPA Federal On-Scene Coordinators (FOSCs) for inland spills.

1990 Oil Pollution Act (OPA90) clearly established that FOSC has ultimate responsibility for directing oil spill response {Note: including within Sanctuaries}

(Source: RRT9 RCP, 2005)

Spill Response Authority: State

California Government Code Section 8670.7 establishes that OSPR Administrator has primary state authority to direct removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in the marine waters of the State.

State shall consult with FOSC prior to exercising this authority;

Per OPA90:

- State must take actions in accordance with the National Contingency Plan and
- It is clearly established that FOSC has ultimate responsibility for directing oil spill response including response objectives, strategies

U.S. Coast Guard and the State have Memorandum of Agreement (MOA) that formalizes designation of responsibilities and authority at the state and local level relative to marine oil spill planning and response.



(Sources: RRT9 RCP 2005, EROS 2005)

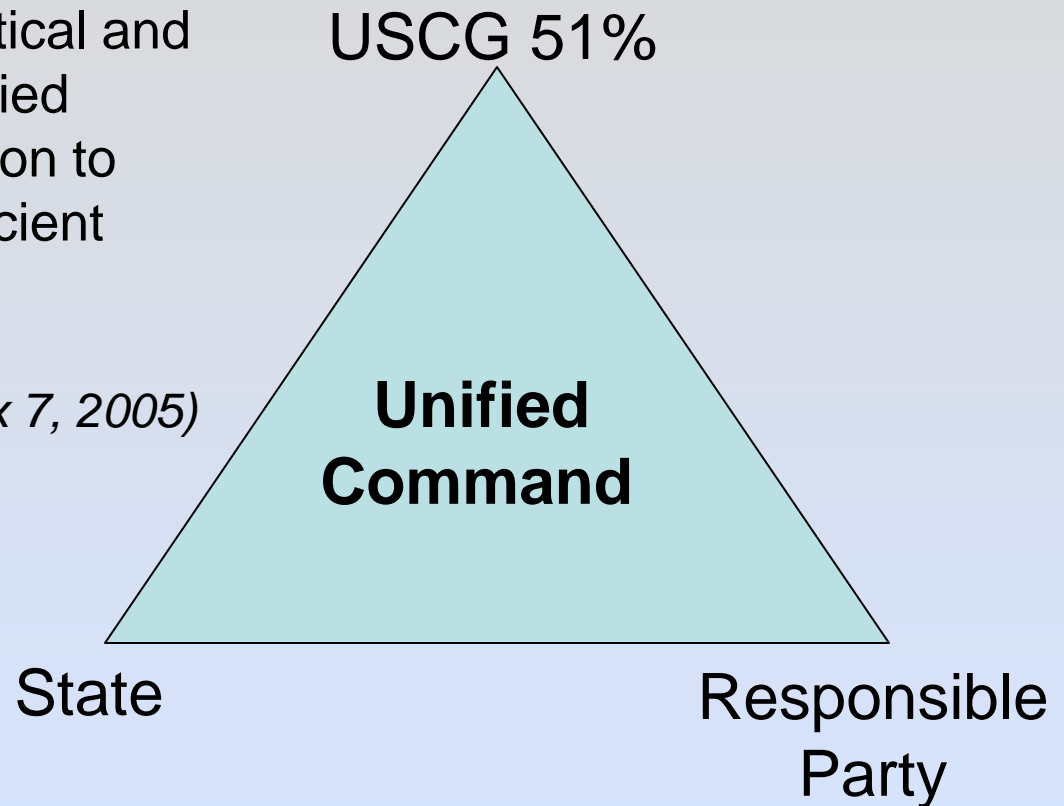
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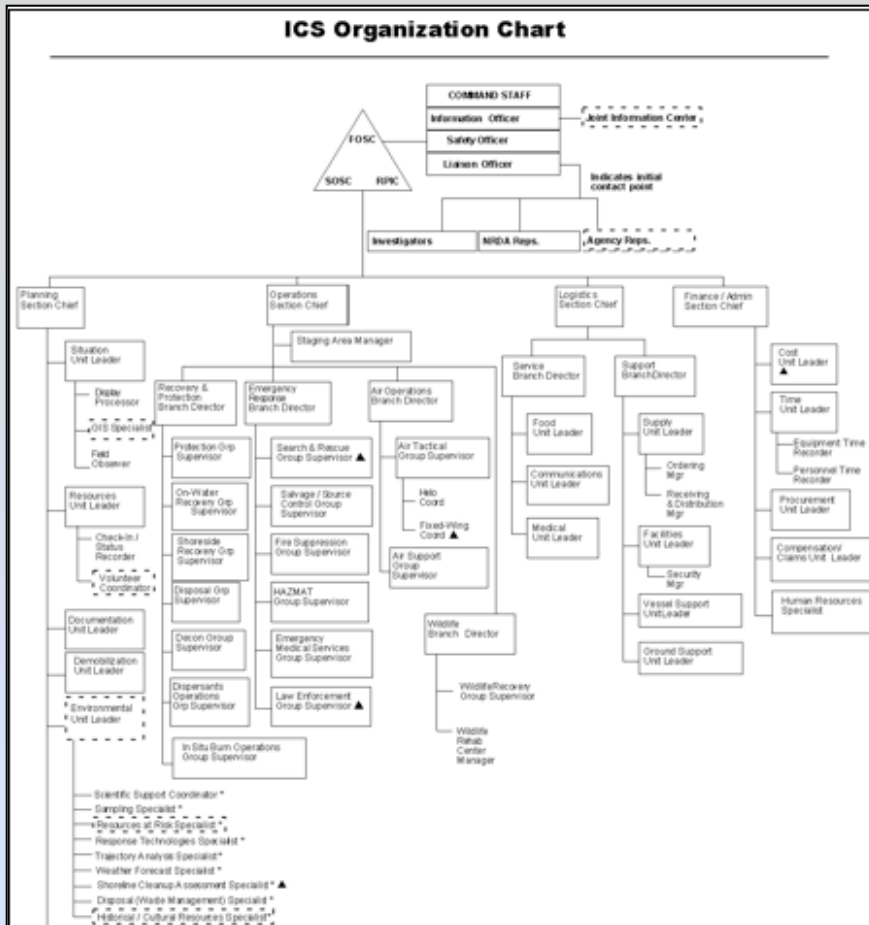
Spill Response Decisions: Unified Command

Unified Command directs tactical and strategic response with a unified position to insure clear direction to the responsible party and efficient utilization of resources.

(Source: RRT9 RCP Appx 7, 2005)



Sanctuary Role in Spill Response: Resource Trustee



Natural resource trustees have responsibilities as natural resource managers to:

- protect natural resources
- assess damages and
- ensure restoration of natural resources under their trusteeship.

(NRT/RRT Fact Sheet on Federal Natural Resource Trustees and ICS, 2003)



Sanctuary Role in Spill Response

Damage Assessment:

GFNMS contributes to multi-agency collaboration in natural resource damage assessment and restoration

Spill Response:

- Participation in Incident Command (IC) within:
 - Environmental Unit
 - assist in evaluating resources at risk, potential places of refuge, alternative technologies, clean-up endpoints
 - staff on shoreline cleanup assessment field team
 - wildlife operations assistance
 - Liaison Unit as Sanctuary or NOAA IC representative
- Consultative role with RRT Dept. of Commerce representative on response technology use (e.g. dispersants, in-situ burning)

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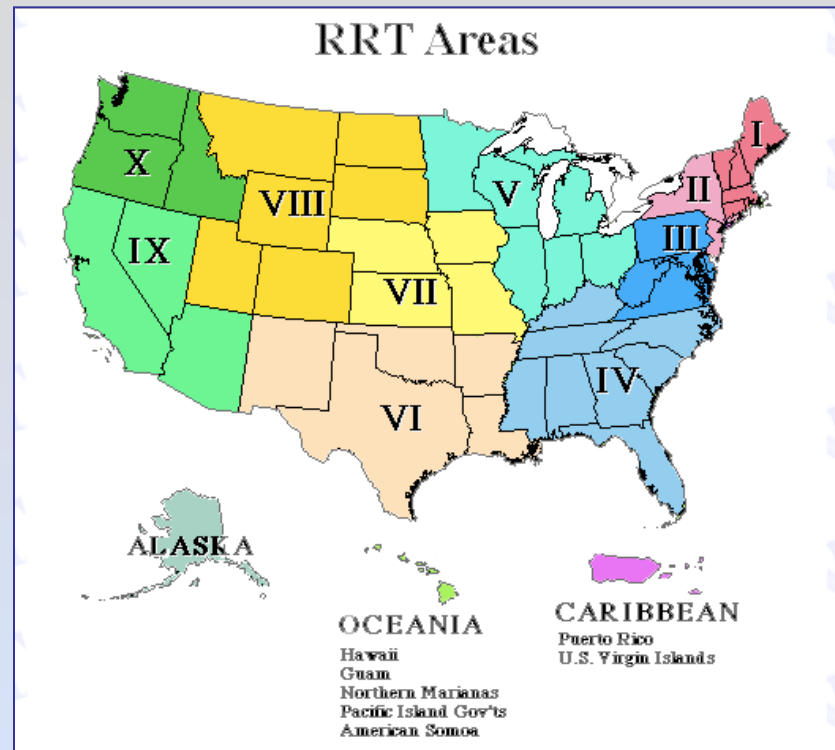
Spill Response Planning: 3 tiers

National Response Team
(National Contingency Plan)

Regional Response Team
(Regional Contingency Plan)

RRT must approve use of:

- Dispersants
- In-situ burning
- Bioremediation
- Surface washing agents



San Francisco Bay and Delta
Area Contingency Plan



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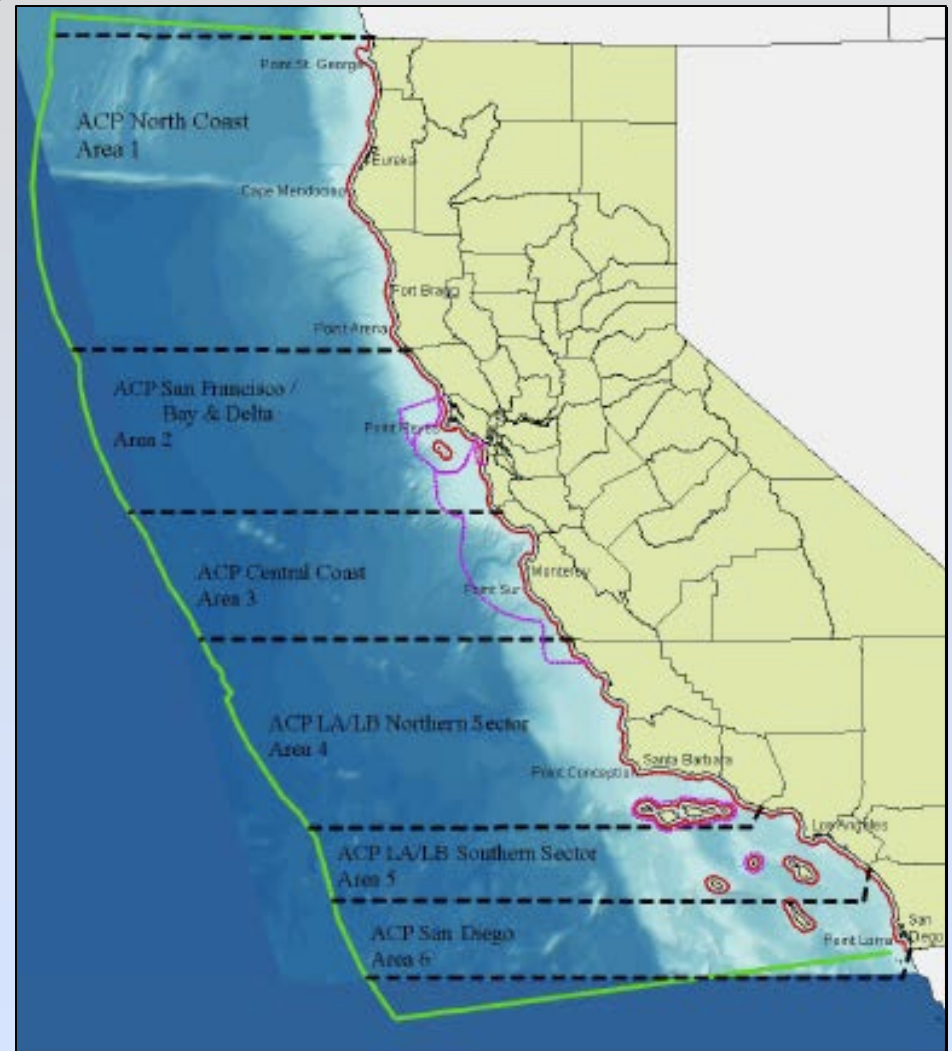
Dispersant Use in California

California Dispersant Plan in RCP

Use of dispersants within Sanctuaries or within 3 nmi of shore or MX requires RRT approval (others “pre-approved”):

- concurrence of RRT Co-Chairs (U.S. Coast Guard and U.S. EPA) and State RRT representative (OSPR)
- consultation with DOI, DOC representatives

Net Environmental Benefit Analysis (especially long-term, regional)



May 12, 2011

(from 2008 CA Dispersant Plan)

GFNMS Advisory Council Meeting

SAC Vessel Spills Working Group

Joint working group: GFNMS, CBNMS; June 2011 – May 2012

Goal: engage agency responders, government trustees, and stakeholders on oil spill response technologies (e.g. chemical dispersants) and provide recommendation(s) to SACs

-----draft timeline – draft timeline – draft timeline-----

Working Group Meetings

2011

June:
1st mtg
(Intro)

August:
Response
Tech. 101

October:
Dispersant toxicity;
Sanctuary biol.
characterization,
seasonality

December:
Oceanographic
setting

2012

February
Response Tech.
recommendations

April/May:
ID SAC
questions

July/Aug
SAC briefings

November
SAC briefing

SAC
Meetings

April/May
SAC
presentations

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GFNMS Advisory Council Meeting