

**CONSULTATION,
HISTORIC, &
ENVIRONMENTAL
RESOURCES
WORKGROUP NOTES**

Tuesday, May 5, 2026

Chincoteague National Wildlife Refuge, Bateman Education Center, Chincoteague, Virginia
0900-1031

- Unanticipated Discovery Plan
 - Creating programmatic agreement of procedures in emergencies and spill responses to stay in compliance with NHPA in an emergency at a protected location.
 - Moving into notification procedures as an alternative – responding FOSCs would provide notification to the state historic preservation office and the tribes to allow comment time with minimal delay of response activities.
 - Let them know what is occurring and give them a chance to comment.
 - Comparable to ESA notification form as a potential template to provide information to states and tribes quickly.
 - Final sentence of emergency procedures regulation includes “immediate rescue and salvage operations” clause exempt FOSCs from notification procedures or other components of the NHPA.
 - States do not like that.
 - EPA, USCG, DOI and other stakeholders are going to have discussions about what constitutes “an emergency” to have better guidelines.
 - Myles - quick consultation process needs to be put in place to keep stakeholders in the loop and maintain relationships but not slow down response procedures.
 - Elisha – Do not stop responding but having a consultation to get additional information regarding protected areas.
 - Frank – a lot of SHPOs do not have oil spill training and do not function as full time on-call responders.
 - John – having a timeline for consultation would give the stakeholders flexibility but not limit response capacity.
 - Myles – additional communication and getting them looped into area committee meetings and RRTs might increase trust.
 - Let’s try to get a SHPO to come to the December 2026 RRT meeting in Harrisburg, PA.
 - Essentially trying to create a NHPA notification form and comment period process to give advisement and consultation during a response so that it is documented if that advisement is or is not followed by responders / FOSC.
 - Human remains discovery laws and other unanticipated discovery plans (UDPs) rarely come into play but can be a useful thing to use as a backbone for consultation.
 - “Good faith effort”
 - Seth – What is the plan for NHPA section 110 and national historic landmarks clauses?
 - John – we have not gotten there yet but this is something to include on our notification/ consultation template which is in development.
 - RRT Job Aid for UDP is in draft form and John is sending it out for final comment.
 - John shared a draft format of the streamlined version to be used by responders. The hope is to

- have this finalized and ready for executive committee by the December 2026 meeting.
 - USACE offered to take this and utilize it for real world use case in an upcoming debris removal action.
 - Trustee Notification
 - NCP notifications to trustees for spill responses should include consultation – the workgroup is putting together notification procedures (separate from consultation steps) to be compliant with the contingency plan and streamline the process.
 - Frank - Is this ONLY for federal trustees or does this include states and tribes as well?
 - John – The OSC or RPM shall also have access to the points contact for states, tribes and other stakeholders through the RCP which should have points of contact.
 - Elisha – the NRC has points of contact and blasts it out to the stakeholders affected typically so that ends up being a primary form of notification.
 - There are many “sub-trustees.”
 - EOC should distribute to additional entities, but the NRC also should be sending notifications to everyone who constitutes a trustee.
 - What happens when someone on that distribution list is not available?
 - There should be a better contact sheet for notifying stakeholders.
 - MD DNR does not get notified by the NRC – so MD DEP distributes to them. The NRC notification list includes lots of groups that do not need them but not enough small stakeholders who are affected.
 - Jeff tells responsible parties, “you calling the NRC does not fulfill your obligation to notify the state,” so there should be a more consolidated notification process.
 - For now, the workgroup is focusing on Federal trustees, but other notification processes are being worked on.
- Tribal Engagement
 - RRT3 wants to encourage and increase engagement from federally recognized tribes. How can the workgroup increase engagement?
 - A lot of the tribal representatives are overwhelmed and do not have time to attend.
 - Going to them is the most effective way. Several EPA OSCs have increased engagement by going to them. USCG does not have any overlap of their working area with tribal land. The NRC does not notify tribal representatives.
 - Having drills or summits that involve them.
 - DOI has an amount of funding that John proposes to use to help fund tribal representatives to attend an in-person spill response, RRT meeting, and/or CHER awareness meeting.
 - The group agrees that this is a good strategy to follow as funding allows.
 - South Central, VA, USEPA is developing GRPs in the area which has many tribes present, they plan to loop the tribes in and use the GRP development and a drill/ exercise to increase engagement / involvement.
- Wildlife Rehabilitation – EPA response in York, PA.
 - EPA did not have a strategy or contractor ready to conduct cleanup and rehab of oiled wildlife, nor was there an easy funding strategy.
 - A recent spill in Norfolk, a team was mobilized by the responsible party (RP) for wildlife rehab which were not qualified to do the work.
 - Myles wants to put wildlife rehab into the RCP, ACP, or something else to codify inland wildlife rehabilitation pathway.
 - Include minimum oiled wildlife criteria to force a standard for having access to qualified personnel available to RPs / OSROs.
 - Is this an NRT or trustee agency level decision?
 - The experience and qualifications of specialized knowledge is what makes tri-state one of the few groups able to do this work.

- Additionally, other animal rehabbers have other patients typically.
- Kaitlyn suggests training other individuals within the region to respond to small incidents with only a few animals that they could refer the RPs or agencies to.
 - They have already started this process so that smaller groups can manage that incidental work.
 - A lot of facilities cannot manage more than 3 oiled animals, so having an expanded network would enable local groups under a “para” to be covered under the Tri-State permit and have consultation and additional support.
 - However, this only works if the RP can contract Tri-State. They can consult other groups, but permitting becomes an issue.
 - If the RP does not contract Tri-State, the other rehabbers must have the appropriate permits.
 - Permits vary state by state and animal by animal.
 - There are MOUs / LOAs which enable Tri-State to do oil rehab but no other forms of rehabilitation.
- Tri-State recommends bringing them in for advisement if there are only a few animals and the RP does not want to hire Tri-State.
 - Tri-State has a list of “Paras” which are individuals they can bring in for small jobs and if they are not able to deploy, they can recommend other large, permitted organizations that can legally manage / rehab those animals.
 - If there is an uncooperative RP, Tri-State wrote an Oiled Wildlife Annex for the RRT3 ACP which includes the basic qualifications for what defines a “qualified oiled wildlife rehabilitation responder”.
- There should be a BOA or something to make it easier for states and EPA to be able to provide to RPs for the event of oiled wildlife.
 - Are there any regulations that force an RP to hire qualified rehabbers?
 - The annex to the ACP does include a list of qualifications.
- WVDEP – having that list of requirements in a guidance document will make it much easier for their enforcement teams.
 - There are federal and state requirements for rehabbers so having a list of required permits area by area and animal by animal would be beneficial for everyone.
 - Tri-state has put together something like this, FWS also has something similar, the CHER workgroup will make this a task for them to complete.
 - The RCP workgroup is going to work on this as well.
- Meeting concluded at 10:31.

Meeting Attendance Roster	
Attendee Name	Attendee Organization
Anderson, Ben	DE DNREC
Banda, Jo Ann	DOI - FWS
Bartos, Myles	US EPA
Ciani, Lydia	START – Tetra Tech
Cook, Elisha	USCG D5
Csulak, Frank	NOAA
Delean, Blair	NOAA
Donahue, Geoffrey	MDE
Lohman, Elizabeth	VADEQ
Martin, Josie	USEPA
Muse, Katlyn	Tri-State Bird Rescue
Nelson, John	DOI
Nilsen, Ashley	US EPA
Nunez, Candice	USACE
Sarah Shaeffer	US FWS
Smith, Jessie	START – Tetra Tech
Slutter, Jessica	Tri-State Bird Rescue
Tarpley, John	NOAA
Towle, Michael	US EPA
Wright, Brad	WVDEP