

NATIONAL ENVIRONMENTAL COMPLIANCE SUBCOMMITTEE

NY/NJ RRT Meeting

Grand Island, NY

May 12-13, 2015

NEC SUBCOMMITTEE COMPOSITION

- Chaired by USCG
- EPA
- NOAA
 - Office of Response & Restoration
 - National Marine Fisheries
- Advisory Council on Historic Preservation
- Department of the Interior
 - Office of Environmental Policy & Compliance
 - Fish & Wildlife Service
 - National Park Service
- Other agencies, tribal trustees, or entities may be called upon to participate when needed to represent their authorities and roles in compliance issues.

Major Objectives:

- Review existing national policies and agreements regarding environmental compliance and evaluate their effectiveness:
 - ESA MOA
 - PA on Protection of Historic Properties During Emergency Response Under the NCP
- Identify and promote efficient, state-of-the-art approaches and programs to fulfill current and emerging environmental compliance requirements in relation to corresponding NCP processes and roles.
- Develop guidance and proposals to address specific compliance requirements and issues (e.g., ESA Section 7 consultation requirements; measures to protect historic properties pursuant to Section 106 of NHPA).

Major Activities:

Prepare recommendations for USCG and EPA's oil and hazardous substances response and preparedness environmental compliance activities to include:

- Increasing or improving the use of the existing interagency agreements.
- Increasing interagency awareness (e.g., between USCG, EPA, NOAA, USFWS, NPS and other natural, cultural, tribal, and historical trustees) of current resources and tools available to support protection of environmental resources.
- Providing technical assistance and strategic guidance for environmental compliance procedures that are prepared at the national, regional, and area levels.
- Cataloguing existing training and identifying training needs and gaps for the NRT, RRTs, and Area Committees, as well as EPA and USCG OSCs, that meet identified needs.
- *Investigating the viability of developing a resource proposal allowing the use of the Oil Spill Liability Trust Fund for pre-oil spill compliance costs.*

Major Activities (cont.)

- Provide a forum for interagency coordination on policy actions affecting oil and hazardous substance response and preparedness activities as they relate to federal environmental compliance requirements (e.g., ESA, MMPA, MSA, and NHPA) at the national, regional, and area levels.
- Identify anticipated challenges that the USCG, EPA, and natural, cultural, tribal, and historical trustees will face in meeting environmental compliance requirements. Develop recommendations and compliance strategies for addressing those challenges.
- Consider improvements to the ICS structure and implementation processes as outlined in the USCG and EPA Incident Management Handbooks, RCPs and ACPs that could facilitate and provide for a robust and effective compliance effort, including communication and documentation needs.

First Meeting, May 19th

EPA, DOI/USFWS/NPS, and NOAA/NMFS asked to identify top 3 issues

EPA Region 2's issues include:

- National consistency with the regional service offices on what is acceptable to submit as a biological assessment (BA) or biological evaluation (BE) for ESA and EFH consultations.
- Clearinghouse of previous effects determinations of the various response technologies on listed species that we can reference for those species which fall within our respective regions.
- Revisit ESA MOU to de-emphasize the pre-spill planning portion, and to further emphasize the need for FOSCs to reach out to the services - ***and the services to make their expertise readily available to the FOSC*** - during the actual response, to ensure that listed species and habitat are best protected.

Subcommittee Members in this Room:

- Frank Esposito, USCG HQ
- Cornell Rosiu, USCG D1
- Steve Touw, EPA R2
- LT Brooks, USCG Sector NY