

RRT III Fact Sheet

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Natural Resource Trustees and Pollution Response

Natural Resource Trustees

Natural resource trustees have responsibilities as managers to protect natural resources under their trusteeship. These same agencies have responsibilities as natural resource trustees to assess damages to and ensure restoration of natural resources under their trusteeship.

Trustees Responsibilities in Preparedness and Emergency Response and Activities During Emergency Response to Oil Spills

In preparedness and emergency response under the NCP, trustees:

- Designate contacts in Area and Regional Contingency Plans, and receive notification of discharges and releases;
- Provide technical and scientific assistance and information on natural resource issues in the preparation of ACPs and RCPs and during response activities;
- For lands and resources under trustee control, identify concerns and local agency contacts in ACPs and RCPs, and provide guidelines/concurrence to the OSC on appropriate response techniques and cleanup endpoints during response;
- Facilitate compliance with the consultation requirements of the Endangered Species Act;
- Provide information from NRDA

activities that might assist in response activities.

NRDA responsibilities include:

- Determining whether a natural resource injury has occurred;
- Assessing damages for injury to, destruction of, or loss of natural resources under their trusteeship;
- Developing and implementing a plan for restoration of injured resources; and
- Obtaining compensation from the responsible party for damages.

In carrying out NRDA responsibilities during a response action, trustees coordinate with the OSC by:

- Carrying out NRDA activities not in conflict with response operations;
- Designating a lead administrative trustee to serve as the focal point for coordination between NRDA activities and response operations;
- Providing data from NRDA activities that may support more effective operational decisions to the OSC in a timely manner.

Federal land and resource managing agencies have statutory responsibilities to protect lands and resources that may affect their actions and recommendations during an oil discharge or hazardous substance release. These laws may authorize them to take protective measures with or without OSC concurrence and to recover their

costs from the responsible party.

Trustee Participation in ICS/UC in Support of Response

Depending on the nature of the incident, trustees, acting as natural resource or land managers, may participate in one or more ICS units.

Planning: Trustees can provide information about sensitive resources and appropriate response techniques through this section. Planning is likely to be the most common location for trustee participation in the ICS. Trustees should participate and assist in activities affecting lands and resources under their jurisdiction.

Operations: Trustees should participate and assist in implementation of wildlife response efforts and assist in activities affecting lands and resources under their jurisdiction. This is particularly important to ensure these efforts are in compliance with relevant laws.

Command: For incidents with significant effect or the potential for significant effect on trust resources (e.g., critical habitat for threatened and endangered species), having a trustee representative in Command would help to ensure that information on these resources is available to and used appropriately in decision making. For incidents that threaten or affect Federal lands or resources, depending on the management agency and the laws it operates under, it may be advisable to have a representative from the affected agency as part of Command. This

representative could provide guidance/concurrence on response and protection strategies commensurate with the special status of the affected or threatened lands or resources.

Logistics: When trustees have significant equipment, facilities, etc. to contribute to the response, it may be useful to have trustees in this section. This might be the case when a spill occurs on or threatens Federal lands.

Finance/Administration: If there is significant trustee agency participation in the response a trustee representative in this section could assist in supporting trustee personnel. This could involve dealing with time-record documents for personnel and equipment, handling cost estimates and records for trustee agency personnel, etc.

Activities in Emergency Response

Identify/Prioritize Resources at Risk: Trustees can supplement the OSC's information on sensitive resources found in the ACP. The trustees provide local expertise and up-to-date information relevant to the specifics of the incident. Trustees also assist the OSC in priorities in the ACP for sensitive habitat and resources requiring protection.

Evaluate Protective Measures and Clean-up Strategies: Trustees can advise the OSC on determination of cleanup end-points (i.e., how clean is clean). For Federal lands or resources, the land/resource manager should have an integral role in determining the cleanup endpoint.

Participate in Team Assessing Clean-up (SCAT): Trustees can provide resource experts to assist in assessment of clean-up activities. For Federal lands or resources, representatives of land/resource

managers should participate in clean-up assessment. Observations relevant to natural resource injury determination made by members of the clean-up assessment team should be provided to trustees with NRDA responsibility.

Participate in Post Clean-up Inspection (Sign-off Team): Trustee participation on inspection teams at proposed completion of cleanup activities can assist the OSC in determining adequacy of cleanup. For Federal lands or resources, a representative of the land/resource manager should participate on the sign-off team.

Wildlife Rehabilitation: Trustees participate through the ICS regarding appropriate response actions for injured wildlife. Trustees ensure rehabilitation organizations that necessary permits have been obtained. They provide oversight to ensure wildlife response plans are implemented appropriately. Trustees also maintain chain of custody for euthanized and dead wildlife. Trustees participate in the development and implementation of wildlife release protocols.

Trustee NRDA Liaison with ICS/UC

Coordination of NRDA and response activities can be beneficial by preventing natural resource injury or losses, avoiding duplication of data-gathering, and allowing for efficient use of available personnel and equipment. Most NRDA activities occur outside of the ICS/UC. The appropriate place within the ICS for emergency response information exchange and coordination to occur depends on the nature of the response and the trustees involved.

The Planning Section is often a logical place for the liaison between trustee NRDA work and incident response. The trustee liaison is generally provided by the lead

administrative trustee. The person within the Planning Section responsible for working with the lead administrative trustee is often the Scientific Support Coordinator.

The Command Staff may be the most appropriate place for liaison for incidents with significant natural resource injury concerns or where trustee concerns are not adequately addressed through the Planning Section.

Natural Resource Injury Determination Activities

Natural resource trustees determine if a NRDA is appropriate for a specific incident. Making this determination may or may not require data collection. Injury documentation requires gathering information on spilled/released product pathways, documenting exposure to specific resources along those pathways, and quantification of injuries caused by the product. Direct or indirect exposure to the product may injure/disrupt natural resources and/or services provided by those resources.

Trustees, the RP, and the OSC need to collect similar physical, chemical, and biological data. They also need sample and laboratory protocols. Where coordination cannot occur, trustees must ensure that injury determination activities do not interfere with response activities.

Emergency Restoration

During a response, trustees may take emergency restoration actions that are necessary to minimize continuing or prevent additional injury. Emergency restoration activities initiated by trustees should not interfere with the ongoing response. Trustee emergency restoration authority is exercised through NRDA emergency provisions of CERCLA and OPA.