



Tribal Engagement and the Region 10 Regional Response Team and Northwest Area Committee



Mission

The mission of the Region 10 Regional Response Team (RRT) and the Northwest Area Committee (NWAC) is to protect public health and safety and the environment during oil and hazardous materials incidents within the Pacific Northwest as mandated by the National Contingency Plan (NCP). We are also committed to developing response plans and coordinating preparedness activities prior to a pollution incident with our tribal partners.

The National Contingency Plan

The National Contingency Plan (NCP) is the federal regulation that dictates how the federal government, tribes and states will work together respond to significant oil and hazardous materials incidents. There are two interagency coordinating groups in the NW that are established through the NCP: the NW Area Committee and the Regional Response Team 10. Both groups cover OR, WA and ID, meet regularly, and share a steering committee.

- The **NW Area Committee (NWAC)** is responsible for maintaining the NW Area Contingency Plan, which is our regional blueprint for how federal, tribal and state governments will respond to spills in a coordinated and effective manner. The NW Area Committee is open to anyone with an interest in spill response. This includes all government agencies, industry, response contractors, resource trustees, environmental advocates and private citizens.
- **Regional Response Team 10 (RRT10)** has a more limited membership as defined by regulation, and is activated during a response to provide resources and assist with some response decisions. RRT10's current members include the 15 federal agencies with authorities or resources for spill response, a representative from each state, and the Makah and Yakama Tribes. Our goal is to increase the number of tribes represented on RRT10.
- **RRT10/NWAC Executive Committee** is a group that meets privately, and is limited to RRT10 members and any other government agency invited by one of those RRT10 members.

Benefits of participating in the NWAC (no membership required):

- Meet members of spill response community prior to an incident impacting your resources
- Influence the manner and priorities of large oil and hazmat responses
- Improve your readiness to participate in an oil or hazmat response
- Improve the effectiveness and speed with which your tribe's concerns will be addressed during a spill response

Benefits of joining the RRT (membership required):

- Gain access to a primary channel for incident specific information/coordination
- Ensure your viewpoints are represented as regional response policies are established
- Designation of a tribal representative provides a consistent and reliable manner for your tribe to be engaged in contingency planning and response actions

Oil and hazardous material spills are overseen at the federal level by US Coast Guard for coastal incidents and EPA for inland incidents. Many federal and state agencies have resources or authorities that can assist in spill response. Regional Response Teams were established by the National Contingency Plan to coordinate among these agencies and assets both before and during an incident.

The coordination prior to an incident results in spill response plans, also known as contingency plans. The coordination during an incident only involves agencies directly involved in the specific incident.

Prior to a Response

The NWAC is committed to maintaining and strengthening the relationships with Tribal Partners. This includes actions taken both prior to and during an emergency such as the development of Geographic Response plans, participating in NWAC task forces, attending NWAC meetings and sending responders to incidents.

By participating in NWAC meetings and task forces, your tribe will have the ability to voice broad concerns, affecting tribal treaty rights as well as culturally and historically sensitive issues and areas. These meetings are also great opportunities to build connections with other responders who you may work with during a pollution incident.

Prior to emergencies, NWAC Co-Chair and Vice-Co-Chair agencies are committed to:

- Providing annual notification to all tribes in Washington, Oregon, and Idaho of the public comment period for the NW Area Contingency Plan update
- Inviting all Tribes within 100 miles of any NWAC meeting to participate in the meeting
- To provide oil/hazardous material spill response and health and safety training (including Hazardous Waste Operations and Emergency Response [HAZWOPER] certification and refresher) as agency budgets and schedules allow, and
- Requesting tribal participation for all drills and exercises that impact tribal lands or resources

During an Incident

When incidents occur upon tribal land or waters, federal, state, local, tribal and responsible party representatives form a Unified Command. This structure enables incident commanders from each entity to collaboratively manage incidents while meeting the unique needs of different agencies. Tribes are encouraged to participate by sending a Tribal Incident Commander or participate as a Coordinating or Assisting Agency to ensure their needs are considered. Tribal members can fill essential roles, including:

- **Tribal On Scene Coordinator (TOSC):** On Scene Coordinators are individuals who participate in Unified Command, and make consensus based response decisions. TOSCs need to be empowered to make decisions on behalf of the tribe, have jurisdiction over the impacted area and a working knowledge of and adequate training in the National Incident Management System (NIMS) and/or the Incident Command System (ICS). Each individual is the primary decision maker for their level of government: local, tribal, state and federal.
- **Tribal Agency Representative:** The Liaison Officer on a spill response ensures Unified Command is aware of concerns held by stakeholder agencies. Agency representatives work directly with the Liaison Officer.
- **Tribal Historic Preservation Officer:** This individual comes to the cleanup and provides guidance on cleanup actions to prevent disturbing tribal cultural resources.
- **Natural/Cultural Resource Specialist:** Resource specialists sit in the Environmental Unit and assist in planning cleanup tactics that are protective of natural and cultural resources.
- **Joint Information Center participant:** All messages from the response to the public are generated by the Joint Information Center. A tribal representative within the JIC could assist in generating information that is of interest to tribal members, and also ensuring tribal members receive the information in a timely manner.
- **Community Involvement Coordinator:** In cases where members of a community are directly impacted by a spill, community involvement coordinators assist the JIC in having good communication with the public. These individuals may be in charge of holding public meetings, or may go door to door to provide information to an impacted community.

Case Study: Integrating the Makah Tribe into the RRT and NWAC

The Makah Tribe joined the RRT and NWAC and have designated personnel who will be participating in any response. These personnel are trained in the ICS positions they will be staffing, as well as understand how they will best fit into the spill management structure during a response. The positions where each member will be assigned will be determined jointly by the Unified Command to best suit the needs of the response. The Makah Tribe will be represented within the ICS structure by members from various tribal departments including:

- The Port of Neah Bay/Office of Marine Affairs,
- Makah Fisheries Department,
- Makah Cultural and Research Center,
- Makah Emergency Management Department,
- Neah Bay Police Department, and
- Neah Bay Fire Department

Makah tribal staff participating in the ICS structure will communicate with the TOSC when arriving on scene to ensure that appropriate assignments are made and field operations are coordinated. Once tribal staff are assigned, they will work within the ICS structure, under the direction of the appropriate Section Chief, Unit Leader, or Division/Group Supervisor. This in no way limits their ability to communicate with the TOSC.

Depending on the type and complexity of response, it is generally expected that the Makah Tribe will provide staff and resources in the following areas:

- **Command:** The Office of Marine Affairs Manager will be the TOSC.
- **Information Officer/Joint Information Center:** The Makah Tribe will designate a trained Information Officer as appropriate.
- **Planning Section/EU:** Makah Fisheries personnel will become members of the EU and PS as appropriate and will be relied upon to provide the best available information about tribal resources that are at risk, provide baseline characterizations, assess and suggest response options, and provide local knowledge to support response operations and help determine treatment endpoints as well as help evaluate response options and waste management issues in concert with other key resource agencies and stakeholders.
- **Operations Section:** Port of Neah Bay personnel may be requested to facilitate the deployment of boats, equipment and personnel; and may staff other Operations roles as assigned.

Joining the RRT and NWAC

How to participate in the NW Area Committee:

- Sign up for our email listserv by navigating to our website – www.rrt10nwac.com, and select “Join Email List” on the left-hand side of the webpage.
- Attend NW Area Committee Meetings. These happen three times a year, typically February-March in Washington, May-June and Idaho and September-October in Oregon. Meeting information is posted on our webpage.
- Attend the annual NW Area Contingency Plan Summit in December in Seattle where the entire area committee comes together to prioritize specific spill preparedness efforts.
- Join a Task Force.

How to officially join Regional Response Team 10:

- Optional: At your request, the RRT10 Co-Chairs will send a letter to your tribal leadership requesting participation (sample letter attached), or
- Tribal leadership sends a letter to the RRT10 Co-Chairs requesting that the tribe be included as a member, and designating a specific tribal representative and alternate to participate in the RRT. It is important that this person be able to speak for the tribe, or have ready access to tribal decision makers regarding spill response issues. (sample letter attached)
- RRT Co-Chairs acknowledge receipt of letter and welcome tribal representatives into the RRT

FAQs

Q: Will the EPA pay or reimburse participants who are engaged in an emergency response or to the regular meetings?

A: EPA or Coast Guard will reimburse participants in an emergency response who are working with the approval of the Federal On Scene Coordinator. EPA and Coast Guard are not able to pay or reimburse tribes for participating in spill exercises or regular meetings.

Q: If we choose not to join the RRT and NWAC, can we still comment and provide suggestions on contingency plans?

A: Absolutely. The NW Area Contingency Plan is a public document that is subject to a 30 day public comment period when it is updated annually. That comment period is usually the month of October.

Q: What if my Tribe won't officially designate someone to make decisions on behalf of the Tribe?

A: That will only limit your tribe's ability to participate in Unified Command. There are many other ways to influence the response actions. All other possible roles in planning and response do not require delegated authority. It is recommended that all tribal representatives to the RRT have a mechanism for obtaining tribal council agreement on critical policy decisions.

Contacts for more information

EPA:

Josie Clark, NW Area Planner: 206-553-6239; clark.josie@epa.gov

Chris Field, RRT Co-Chair: 206-553-1674; field.chris@epa.gov

USCG:

Elizabeth Petras, RRT Coordinator: 206-220-7284, elizabeth.j.petras@uscg.mil

Robert McFarland, RRT Co-Chair: 206220-7337; robert.e.mcfarland@uscg.mil

Attachment 1: Sample Letter from the RRT to your Tribe requesting participation

Dear [Tribal Leader]:

The Region 10 Regional Response Team (RRT-10) is an agency coordination committee that is responsible for providing support to On-Scene Coordinators when managing hazardous material and oil spills and to ensure that overall area contingency planning is effectively taking place throughout the Pacific Northwest¹. RRT-10 does not actually respond to the scene of a spill (as the name might suggest).

RRT-10 is Co-Chaired by the U.S. Environmental Protection Agency – Region 10 and the U.S. Coast Guard District 13. Fifteen federal agencies, the States of Idaho, Oregon, and Washington, and the Makah and Yakama Tribes currently make up the membership of this committee. More specifically, the Makah Tribe became a member of RRT-10 in 2008 and has been actively involved ever since; the Yakama Tribe has just recently joined the RRT and are actively engaged in our planning work. RRT-10 has always sought tribal participation and has encouraged tribes to consider becoming members in order to add diversity and differing perspectives to the discussions of effectively preventing, planning, and preparing for emergency responses.

We understand that the [your tribe] may be interested in becoming a member of RRT-10 and this letter is to welcome this interest and encourage further participation. The [your tribe] can provide a broad understanding of the inland area perspective, which is critically important since many emerging risks are passing through our communities every day, e.g., crude oil trains, chemical tankers, and petroleum barges.

One of the key unique aspects of becoming a member of RRT-10 is to not only assign a representative, but the individual and their alternate must have the ability to make decisions and speak on behalf of their agency, State, or tribal government. This delegation of authority is needed so that decisions can be made on an emergency basis. Every member of RRT-10 must have this delegation of authority so that each representative can provide critical decision-making based on their area of expertise, regulatory role, and unique authorities. If the [your tribe] would like to become a member of RRT-10, please provide a written request with your named representative and their alternate so that we have a record of the decision. Enclosed, as an example, is a letter that RRT-10 received from the Yakama Tribe in 2015.

We hope that the [your tribe] will consider joining RRT-10, and look forward to hearing from you in this regard. If you or your staff have any questions regarding becoming a member of RRT-10, please feel free to contact Chris Field, U.S. Environmental Protection Agency – Region 10 at (206) 553-1674.

Sincerely,

Chris D. Field, Co-Chair
U.S. Environmental Protection Agency, Region 10
Regional Response Team 10

Robert E. McFarland, Co-Chair
U.S. Coast Guard, District 13
Regional Response Team 10

¹ 40 CFR 300.115 – National Contingency Plan – Regional Response Teams

Attachment 2: Example letter from the a Tribe to the EPA requesting to join the RRT and NWAC

Re: Yakama Nation Interest in becoming Region Response Team 10 member

Dear Regional Resposne Team 10 Co-Chairs:

The Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) is aware that the Region 10 Response Team (RRT) sent a letter from Co-Chairs Chris Field and Robert McFarland to the tribal chairman regarding interest in having the Yakama Nation become an RRT member. The Yakama Nation has a substantila interest in the procurement of the eenvironment of the Pacific Northwest. We appluad your effort to increase tribal participation and encourage tribes to consider becoming members to add differeing perspectives to effectively prevent, plan and prepare for emergency responses.

Th recent shift in oil transportation from marine to rail laregly puts Yakama Nation cultural and natural resources at risk. The Bakken crude oil train route of fully loaded tankers travel over 500 miles through Yakama ceded and usual and accustomed lands. Most importatnly, is the cose and direct proximity of the route to the Columbia River and the devastating impact a derailment and release could have on tribal fisheries. The return routes of these trains is not only through these same lands, but also directly across the Yakama Reservation.

The Yakama Nation has a stance of opposing fossil fuels, specifically to coal and oil. The best prevention measure would be to have not transportation of these products across, near or through the region. It is not the only measure to be taken. We have created a hazardous materials team to respond and coordinate with emergency personnel in the event of a release. The Yakama Nation Hazmat Team has already begun the process of planning and preparing for an emergency response, including the participation of the Northwest Area Committee (NWAC).

The Yakama Nation would like to request membership to the RRT. We can provide a broad unerstanding and knowledge of the inland area and resources. Elizabeth Sanchey, Environmental Manager, will be selected as the Yakama Representative to the RRT and has the authoirty to make decisions and speak on behalf of the tribe on an emergency basis. She has successfullly performed this rule during the Sulphur Creek oil spill, in which the Yakama Nation became the first tribe in the US EPA Region 10 to join Unified Command. Ms. Sanchey's alternate would be Brady Kent, who has attended and particiapted in NWAC meetings.

We are looking forward to hearing your resposne eand continuing a joint effor to preserve and protect the Columbia River Basin. If you or your staff have any questions, please feel free to contact Elizabeth Sanchy at (509) 865-5121.

Sincerely,

Attachment 3: Letter from the RRT to Tribes, acknowledging RRT appointment

Dear Chairman Goudy,

This letter is to thank you for your letter dated February 10, 2016, appointing a Yakama Nation representative to a seat on the Region 10 Regional Response Team (RRT-10). We agree that the Tribe and the RRT-10 share a wealth of interest and responsibility for ensuring robust planning and preparedness to protect Northwest land and waters. By this letter we formalize and welcome Elizabeth Sanchez and Brady Kent into the multi-agency contingency planning partnership with EPA, USCG, Washington, Oregon, Idaho and the Makah Tribe.

As your letter notes, new threats posed by massive increases in crude oil transport by rail, along sensitive and pristine river corridors is a significant concern, and a very high priority for the RRT-10 contingency planning focus. We look forward with enthusiasm to the technical skill and traditional knowledge that Ms. Sanchez and Mr. Kent will bring to the effort. Thank you again for the leadership demonstrated by the Yakama Nation in this regard.

Sincerely,

Chris D. Field, Co-Chair
U.S. Environmental Protection Agency, Region 10
Regional Response Team 10

Robert E. McFarland, Co-Chair
U.S. Coast Guard, District 13
Regional Response Team 10