# REGIONAL RESPONSE TEAM 10/NORTHWEST AREA COMMITTEE (RRT/NWAC)

# PUBLIC SESSION MINUTES

**0800 – 1630 Thursday 25 February, 2016**

**LaQuinta Inn & Suites – Tumwater**

**4600 Capital Blvd SE**

**Tumwater, WA 98501**

**Sign-in sheets can be viewed**[here](http://www.rrt10nwac.com/files/files/2-25-16_Area%20Committee%20Sign-in%20Sheet.pdf)**.**

## Safety Briefing, Introductions, Opening Remarks

Ms. Heather Parker, US Coast Guard (USCG) District 13 (D13), gave a safety briefing and conducted introductions.

## Opening Comment

Mr. Dale Jensen, Washington State Department of Ecology (Ecology), introduced himself and thanked the Tribal partners for their participation in this meeting. CAPT Raymond, USCG Sector Puget Sound (SPS), welcomed the participants noting those that traveled from out of state and the tribal members and expressed his appreciation for the comprehensiveness of the Area Plan. Mr. Calvin Terada, Environmental Protection Agency (EPA), thanked the participants for their enthusiasm in participating in the Northwest Area Committee (NWAC) and the annual updates to the NWACP.

## Tribal Blessing

Mr. David Stepetin of the Nisqually Tribe gave a blessing.

## NW Area Committee and NW Area Contingency Plan Overview

Ms. Parker gave a presentation on the organization of the NWAC and the Regional Response Team (RRT), changes for the 2016 Northwest Area Contingency Plan (NWACP), and how NWAC/RRT responds to an oil spill. The presentation also included information on past and current Task Forces which work on updates to the NWACP. The presentation can be viewed [here](http://www.rrt10nwac.com/files/files/01_NWACP%20101.pptx).

## Tribal Engagement

CAPT Raymond coordinated a facilitated discussion of tribal resources, needs, usual and accustomed areas, and other tribal issues. CAPT Raymond requested the tribal members introduce themselves, describe where their tribal lands are located, and give their perspective on how they would like to be involved in a response.

### Tulalip Tribe

Mr. Robert Myers noted most of their experience with oil spill response is with sinking vessels in the area. For planning they would like to get more involved and attend more meetings (which is difficult with the staff they have). The tribe is heavily involved in fishing and protection of that habitat is of great concern. The tribal area is north of Everett, Washington in Marysville and includes the nearby the river systems.

### Quinault Indian Nation

Mr. Junior Goodell noted the tribal lands are located in southwest Washington, in the Chehalis basin and they are the only treaty rights tribe in the area. Mr. Daniel Ravenel further defined the fishing area as extending from Chehalis Basin north to the Queets River with approximately 27 miles of ocean habitat. Mr. Goodell noted the tribal concern with fish habitat in the coastal river system and fisheries in Grays Harbor on the Chehalis River, Humptulips River, and Grays Harbor Bay. Tribal concerns would be protection of fishery habitats and engaging in the planning process. Mr. Mobbs, Environmental Protection Manager, noted the importance of razor clam and Dungeness crab habitat to the tribe. He further noted of recent concern to the tribe, is the proposal of two crude by rail ports in Grays Harbor. Mr. Mobbs noted they receive requests from many federal agencies to participate in planning activities and the challenge is lack of staff and budget.

### Yakama Nation

Mr. Brady Kent noted the Yakama Nation consist of 14 confederated tribe and bands. The reservation consists of 1.2 million acres adjacent to the Yakima River. There are also ceded lands adjacent to the reservation consisting of 12.2 million acres that includes usual and accustomed (U&A) areas all the way to the mouth of the Columbia River. They are concerned with the amount of oil by rail coming through the area which would impact renewable (fisheries) and nonrenewable resources (pictographs at water level) both of which could be significantly impacted by an oil spill. Mr. Kent noted the Yakama Nation has recently accepted an invitation to join the RRT. Mr. Kent further noted the Yakama Nation was the first to join unified command during an actual event in Region 10.

### Confederated Warm Springs Tribe

Elmer Ward, Policy Planner, noted the Confederated Warm Springs under the Treaty of 1885 reserved the rights to fish, gather plants, and harvest game along the main stem Columbia River and in the John Day basin. Mr. Ward equated oil spill response to wildland fire fighting. The Warm Springs Tribe can provide assistance with natural resources damage assessment before, during, and after an incident, as well as preplanning and coordination.

### Nez Perce Tribe

Kevin Brackney, Water Resources Division, represented the Nez Perce Tribe which is located in Idaho and consists of 9 million acres along the Clearwater River. The Nez Perce tribe are primarily concerned with reestablishment of endangered species, salmon, steelhead and bull trout. The Nez Perce Tribe is interested in reestablishing wild runs of salmonid species. Mr. Brackney noted the Nez Perce Tribe has requested Government to Government Consultation with EPA in order to develop protocols for spills on tribal lands and to ensure the EPA understands the concerns of the tribe.

### Port Gamble S’Klallam Tribe

Paul McCollum, Natural Resources Director, stated that the Port Gamble S’Klallam Tribe located is located in Kingston, Washington close to the town on the shore of Port Gamble Bay and consists of three parts: the Jamestown Tribe, the Lower Elwha Reservation and the Port Gamble Reservation. The Port Gamble S’Klallam Tribe would want to be involved in Unified Command during a response. They are strongly concerned with prevention and would like to establish a Puget Sound Advisory Commission, similar to the Prince Williams Sound Advisory Committee in Alaska, which would be able to access OPA 90 funds to prevent a large scale spill in Puget Sound. Mr. McCollum’s goal would be to work with agencies at drills and table top exercises to ensure that equipment listed in the GRPs are actually available. Mr. McCollum also noted the importance of vessels of opportunity and their importance in an oil spill as a resource. Mr. McCollum noted the GRPs are important for tribes to ensure their resources are being protected.

### Coquille Tribe

Cassandra Di Benedetto noted the Coquille Tribe is located in coastal Oregon and are primarily a timber tribe; however, their reservation is on Coos Bay and tribal members harvest razor clams and other resources along the bay. The Coquille Tribe is concerned with the planned Jordan Cove Liquefied Natural Gas (LNG) pipeline and protection of natural resources. Tony Di Benedetto, Coquille Tribe, Emergency Management Coordinator, noted the Coquille Tribe does not have resources to participate in small areas that are outside of the reservation which may be adversely impacted by a spill or natural disaster. They have concerns about the lack of local funding for towns and communities outside of the reservation to support their citizenry and infrastructure during a major response or catastrophe. Mr. Di Benedetto’s goal would be to work with state and federal partners to determine who would actually bring resources during a response to Coos Bay and where the priority of protecting Coos Bay lies when infrastructure resources are needed in larger communities such as Portland.

### Makah Nation

Mr. Chad Bowechop, Makah Nation, noted the most important perspective to convey to federal partners is sovereign treaty rights and then work with those partners to determine how best to exercise treaty rights during a response. The Makah Nation has invested heavily in learning and contributing to the NWACP and interacting with federal and state partners to ensure tribal concerns are addressed. The Makah Nation worked closely with USCG to develop a Memorandum of Agreement (MOA) in how they would work together during a marine spill.

### Suquamish Tribe

Ron Figlar-Barnes, Suquamish Tribe, noted his experience in working with USCG during a response and the frustration of USCG not having familiarity with the area. The Suquamish Tribe are attempting to work on GRPs and have created a Geographic Information System (GIS) map which shows cultural resources in the area including Hood Canal. The information was submitted to Ecology for inclusion in the GRP. Mr. Figler-Barnes noted there is no equipment cache associated with Hood Canal.

### Discussion

CAPT Raymond inquired about how to maximize the participation of the tribes in the Area Committee drills and exercises, specifically can they be designed in such a way to encourage tribal participation. Mr. McCollum suggested reaching out more to obtain input for planning the drills. Mr. Figlar-Barnes noted the importance in having USCG personnel that knows the local geography. Mr. Di Benedetto noted the importance of understanding exactly who to contact that will have resources that can be supplied to smaller communities that do not have local resources to respond in the event of a spill or disaster. Mr. Bowechop noted the Makah Nation has worked with USCG D13 to create a Tribal Liaison because USCG has rotation of personnel and they cannot all be familiar with the local geology. Andy Connor is the tribal liaison contact person. Mr. Bowechop also stated that other needs to be addressed include a way to coordinate training from the Sectors with the Tribes, ICS training, and how to interpret the NWACP. Mr. Myers suggested notifying anyone with current or nearly current HAZWOPER certification of drills and/or exercises with at least two week notice. Mr. Ward suggested early notification of drills and exercises in order to secure tribal participation. Mr. McCollum is interested in involvement in the Dispersant Task Force. He also suggested inclusion of the most recent science to any documentation generated by the Dispersant Task Force so responders understand what may or may not be appropriate. Mr. Brackney and Mr. Di Benedetto noted funding is difficult to obtain and in order to participate they must utilize various grants.

Mr. Dale Jensen thanked the participants and noted resources are a challenge and everyone is stretched tight with budgets but we need to work together and share stories. Mr. Jensen inquire how do we have the conversation to learn from each other and determine where the gaps are and how do we engage with the tribes to share and move forward. Mr. Figlar-Barnes stated it is the responsibility of the state to ensure the tribes do not have more of a problem and ensure importance of the natural resources. Mr. Bowechop stated the Makah are obligated by their Tribal Council to work independently and do not rely on federal or state agencies to protect them, the tribe determines what is important to the tribe and how the tribe is going to protect those interests. Mr. Bowechop noted Tribal Spill Response is important. Mr. McCollum suggested investigating the creation of a Puget Sound Advisory Council.

Mr. Field requested how the RRT could ensure contact information is available for the tribes and encouraged members to continue attending meetings when possible.

Mr. Terada inquired about how UC with multiple tribes would operate. Mr. Ravenel suggested the creation of maps to show what tribes are interested in what areas should be shown. Mr. McCollum suggested having a chair for each person in the UC that has U&A interests. He also suggested that it is difficult to get council involvement in a drill, but in an actual spill tribal leaders will want to be involved. Mr. Ward stated the Columbia River Treaty Tribe’s concerns are well documented up and down the river and sometimes a tribe will defer to immediately impacted tribes in the cultural area. Mr. Di Benedetto suggested reaching out to the tribe council members for their input on how multiple tribes would operate during a spill. Mr. Bowechop noted the need for training to assist in determining where the tribe fits into UC and then follow up with ICS training. Mr. Bowechop further noted the Makah determined that the council members did not want to be in UC but they wanted information from a tribal representative to make a decision when the time comes.

## GSA Tribal Engagement

Mr. George Northcroft, Regional Administrator and National Tribal Affairs Champion for US General Services Administration (GSA) gave a presentation which outlined the role of GSA. The presentation can be viewed [here](http://www.rrt10nwac.com/files/files/02_GSA%20Tribal%20Engagement.pptx). A fact sheet on the GSA Northwest/Arctic Region can be viewed [here](http://www.rrt10nwac.com/files/files/GSA%20fact%20sheet.pdf). GSA has developed a National Desk Guide to inform tribes of both GSA services they can access and GSA services they can apply to provide (the Desk Guide can be viewed [here](http://www.rrt10nwac.com/files/files/tribal%20desk%20reference.pdf)). A handout for GSA Tribal Procurement Services for Tribes and Tribal Organizations can be viewed [here](http://www.rrt10nwac.com/files/files/GSA%20tribal%20procurement.pdf). Ann Smith, Acting Security Manager for GSA discussed the Acquisition Services Schedule portion of the presentation. A fact sheet on State and Local Disaster Purchasing Services can be viewed [here](http://www.rrt10nwac.com/files/files/GSA%20disaster%20purchasing.pdf). A GSA Procurement, Contracting, and Property Transfer Services for American Indians and Alaska Natives can be viewed [here](http://www.rrt10nwac.com/files/files/GSA%20feb%202016%20schedule.pdf).

## Rail Incident with Hazmat and Bakken in Urban and Rural Areas

LCDR Tim Callister facilitated a panel discussion on the challenges of a rail hazardous materials and oil incident in rural versus urban areas. Panelists included On-Scene Coordinator (OSC) Richard Franklin, CAPT Joe Raymond, Mr. Steve Brooks Thurston County Fire, Mr. David Byers Ecology, Mr. Robert Bavier of Union Pacific Railroad (UPRR) Hazmat team, Mr. Justin Piper Burlington Northern Santa Fe (BNSF), and Mr. Nick Winslow BNSF.

LCDR Callister inquired how transporting mixed commodities by rail is different from other modes of transportation. Mr. Bavier noted UPRR is obligated by regulations to transport materials from point A to point B provided that the container is Department of Transportation (DOT) certified, can be transported by rail, and the shipper has the appropriate licensing. Mr. Piper noted that unlike road transportation, railroads control rail transportation by owning the infrastructure, they control the traffic on the tracks which means rail is 16 times safer than other modes of transportation. Rail is regulated by DOT overall and then the Federal Rail Administration (FRA).

LCDR Callister inquired when comparing movement by sea, how is liability set during a spill for rail transportation. Mr. Bavier noted if material is spilled by UPRR then they take the responsibility to conduct the cleanup. Mr. Bavier further noted that UPRR and BNSF are self-insured. Mr. Byers expressed the state’s concerns that some of the smaller rail companies may not be self-insured and it is unclear what their abilities are to fund and conduct a cleanup. He further noted there is proposed legislation that will ensure financial liability to the smaller rails and shipping companies. The state regulations are not similar which are not covered by federal regulation. LCDR Callister inquired about whether or not a railroad-led cleanup includes addressing impacts to a community. Mr. Bavier and Mr. Piper confirmed these impacts would also be covered in the cleanup.

LCDR Callister inquired about the types of hazardous materials being frequently shipped by rail and if there are common commodities. Mr. Bavier responded that anything listed in the North American Emergency Response Guide (NAERG) can be shipped by rail. He further indicated that any agency can file an official request to determine what materials are being shipped in a specific area. Mr. Piper noted that BNSF will also collected and collate this information for the previous four quarters for a specific area.

LCDR Callister inquired about whether or not the engineer has a manifest with Safety Data Sheets (SDSs) in the locomotive that would be available after an accident or if they know exactly what they have on the train. Mr. Bavier stated train crews know exactly what they have and where in the train they are positioned which is listed on the Consist and also includes the type of container the material is in. The Consist does not contain SDSs. If the locomotive staff or Consist is not available it can be sent to a confirmed email. The railroad staff will be available to go through the contents with responders; however, they are not permitted to turn over the Consist as it must be retained for investigative processes. Mr. Piper noted BNSF has a rail app for first responders that will allow them to look at any car and identify what is in the car, if it is loaded or empty and will go to the NAERG page. Secure Track is another app that is available to state fusion centers for near real-time rail car tracking with location and identification information.

LCDR Callister inquired about the post-accident notification process. Mr. Piper stated the process is similar for both UPRR and BNSF. First the Rail Company is frequently notified from a citizen call to 911, which contacts the rail company or a call is made from the conductor or engineer to the dispatch center. The rail company then begins their internal notifications. Government notifications are started through a call to the National Response Center (NRC), and if applicable, then to individual states.

LCDR Callister inquired about how the initial fire response is organized. Mr. Bavier noted response capacity is going to be varied based on the size of the incident and potential community impacts. First responders would be at an operations level which would be responsible for isolation, denying entry, and passive measures to avoid the spread of contamination. Next would be the technician level which would include entry and an attempt to contain the spill. LCDR Callister inquired about if Thurston County Fire personnel have rail specific training. Mr. Brooks indicated there have been multiple training team opportunities more than 100 responders have been trained. LCDR Callister inquired if all local communities received training or do the rail companies target larger communities. Mr. Piper noted, if invited, BNSF will provide mode specific safety trainings for responders, but they can not force training on any jurisdiction. He further noted there are multiple levels of training from basic to advanced firefighting, damage assessment, and mitigative techniques.

LCDR Callister inquired if the railroad companies have hazmat teams to fill Incident Management Assist Team (IMAT) positions or if this role is subcontracted. Mr. Piper stated BNSF has both approximately 250 full-time in-house responders in 60 locations and there are 70 contractors available that are chosen based on capabilities and locations to fill in where BNSF trained staff may not be available. Mr. Bavier noted UPRR has 22 full time responders and are supplemented with 28 hazmat special agent police officers. UPRR maintains a contractor database of approved contractors.

LCDR Callister inquired of EPA and USCG participation in a response. Mr. Franklin noted EPA would likely mobilize with their Superfund Technical Assessment and Response Team (START) contractor who provided scientific support and their Emergency and Rapid Response Services (ERRS) contractor who provides physical work. OSC Franklin noted EPA would respond if there was a substantial threaten to human health or the environment on navigable waterways of the US for oil spills. The OSC and START would mobilize to the site to provide air monitoring and sampling support. He further noted the phone duty officer would begin notifications for tribes and DOI, etc. CAPT Raymond noted the primary concern for USCG is towards maritime impacts from oil. The dispatch FOSC would conduct consultation with the state and attempt to determine what the responsible party is doing to mitigate the spill or threat of a spill. The USCG would want to ensure sufficient air monitoring is being conducted. CAPT Raymond noted this is a different paradigm than vessel or facility spill.

LCDR Callister inquired how the state would respond. Mr. Byers noted it would not be dissimilar to the EPA response. He noted the state can offer local resource experts as they have a close connection with resource trustees in the area and relationships with other state organizations. Ecology has contracts with local response contractors, and will supplement if the responsible party is not adequately responding.

LCDR Callister inquired about if the railroad is required to have contingency plans and if they are required to exercise the plans. Mr. Winslow noted BNSF is working with Ecology as the new laws are being implemented. Mr. Piper indicated BNSF has plans in place that are similar in nature to contingency plans. Mr. Bavier noted the drill requirements are relatively new; however, last year they conducted over 200 drills.

Ms. Pilkey-Jarvis asked the panel to discuss air monitoring for responder and community safety, and what equipment would be available. Mr. Byers noted there is an Air Monitoring Task Force that is examining existing equipment and will make recommendations for what should be documented in the NWACP and which resources should be listed in the WRRL. OSC Franklin stated EPA would supplement fire team and railroad teams and integrate with railroad teams to ensure consistent units and language. He also stated that EPA conducted an Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT) study on Bakken and can make results available to interested parties. CAPT Raymond noted the need for a comprehensive air monitoring program and plan in order to make good decisions and maintain public confidence.

LCDR Callister inquired of the normal work hours for engineers and conductors. Mr. Bavier stated they are regulated by DOT similar to truck drivers at approximately 10 hours of service per day.

Ms. Sarah Brace of BC Rail Task Force discussed information on where and what types of materials are going through various areas as well as legislative information on the various northwest states and western Canada. Ms. Brace indicated there was a rail roundtable in November 2015 in Portland, Oregon and that lessons learned from this roundtable included: 1. Utilizing local knowledge. 2. The need for on-going funding for collaborative responses. 3. The need for additional involvement in drills and exercises. 4 The need for volunteer training efforts. 5. Numerous suggestions around consolidating plans to ensure compliance (contingency plans, emergency plans, etc.).

## On-Scene Coordinator Reports

### Washington State Department of Ecology

Mr. Dave Byers gave a presentation of the responses that have been conducted since the last NWAC meeting, the status of the Safe Oil Transportation Bill 1449, and an overview of three significant responses. The presentation can be viewed [here](http://www.rrt10nwac.com/files/files/03_ECY.pptx).

### US Coast Guard Sector Columbia River

LTJG Chris Bodner gave a presentation on the area of responsibility for USCG Sector Columbia River (SCR), an overview of the Incident Management Division in SCR, significant cases in the area since the last NWAC meeting, and Government Initiated Unannounced Exercises (GIUEs) that were conducted since the last NWAC meeting. The presentation can be viewed [here](http://www.rrt10nwac.com/files/files/04_SCR.ppt).

### US Coast Guard Sector Puget Sound

LTJG Trevor Siperek gave a presentation on the statistics of spills for SPS in the previous quarter and five of the significant responses. The presentation can be viewed [here](http://www.rrt10nwac.com/files/files/05_SPS.ppt).

### Environmental Protection Agency

OSC Brooks Stanfield gave a presentation on four responses that had occurred in the region since the last NWAC meeting. The presentation can be viewed [here](http://www.rrt10nwac.com/files/files/06_EPA.ppt).

### Oregon Department of Environmental Quality

Mr. Don Pettit gave a presentation of the Highway 30 train derailment. The presentation can be viewed [here](http://www.rrt10nwac.com/files/files/07_ODEQ.pdf).

## Endangered Species Consultation Act

Mr. Bob McFarland gave an updated on Endangered Species Act Section 7 consultation. There is a group of EPA, Coast Guard personnel, and a contractor working on the consultation. The first round involves using the Alaska Biological Assessment as a template to evaluate the affected areas with regards to a unit train of crude oil. The consultation is focusing on river areas or areas where there is a high risk of a spill and ensuring there is a comprehensive list of potentially impacted threatened and endangered species. The consultation is documenting federal actions that are in the NWACP.

## Closing Comments

Mr. Dale Jensen thanked everyone for attending the meeting and noted the agenda topics were educational and interactive and thanked the attendees for their participation. Mr. Calvin Terada thanked the organizers for their work and the participation of the panelists. CAPT Raymond noted the Task Forces are on-going and encouraged participation. CAPT Travers appreciated the tribal panel and rail panel.