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

# PUBLIC SESSION MINUTES

**0800 – 1700 Tuesday 4 October, 2016**

**Warrior Hall, Oregon National Guard Camp Rilea**

**Warrenton, Oregon**

**Sign-in sheets can be viewed**[here](http://www.rrt10nwac.com/files/files/NWAC%20sign-in.pdf)**.**

## Opening Comment

Ms. Josie Clark, United States Environmental Protection Agency (EPA) opened the meeting. Mr. Bruce Gilles, Oregon Department of Environmental Quality (ODEQ), welcomed the group to Astoria, Oregon and reviewed the contents of the agenda. CAPT David Berliner, United States Coast Guard (USCG) Sector Columbia River (SCR) welcomed everyone to the area and gave a safety briefing of the building. Mr. Calvin Terada, EPA welcomed the group to the meeting and expressed his appreciation of the agenda topics and thanked Ms. Clark for her work on the agenda and introduced Mr. Matt Magorrian, EPA Homeland Security Planner. CAPT Joe Raymond, USCG Sector Puget Sound (SPS) welcomed everyone and reminded people to think about how the agenda could impact potential topics for the upcoming Annual Summit. Introductions of attendees were conducted.

## NW Area Committee and NW Area Contingency Plan Overview, 2016 Task Force Summaries

Ms. Clark gave a presentation on the organization of the Northwest Area Committee (NWAC), the Regional Response Team (RRT), how the NWAC/RRT responds to an oil spill, and proposed changes to the 2016 Northwest Area Contingency Plan (NWACP). 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_10-04-16_Astoria_RRT_NWAC%20Basics_Tribal.pptx).

## Tribal Engagement

Mr. Brian Milchak United States Department of Interior (DOI) introduced the Tribal Panel and the goals of the facilitated discussion. Each of the tribal representatives first introduced themselves, explained where their tribe is located, what their experience is with spills, the contingency planning process, and what their main concern is regarding environmental incidents.

### Stillaguamish Tribe

Ms. Francesca Perez, Stillaguamish Tribe stated the tribe is located in Arlington, Snohomish County, Washington. She stated she began attending meetings and being involved in contingency planning approximately 2 years ago when oil trains started traveling through the area where there are rail lines and pipelines that cross the Stillaguamish River.

### Burns-Paiute Tribe

Jason Kesling, Natural Resources Director for Burns Paiute Tribe. The tribe is located in Burns, Central-Eastern Oregon. This is the first meeting they have attended. Their concern is the archeological, natural resource areas, and fishing sites on the Willamette River and the Malheur River. Their major concern regards tanker trucks that release product into the rivers.

### Confederated Tribes of the Umatilla Indian Reservation

Mr. Audie Huber, Natural Resources Director of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) he has been working on environmental concerns for the tribe for approximately the past 6 years. He began working on the Portland Harbor Superfund Site attempting to understand the degree of contamination and types of contamination in the areas and working to protect the natural resources and treaty rights in the area of the site. They are concerned with protecting cultural resources and treaty rights and access to those resources by tribal members. Fish habitat is critical to the tribe and is closely related to cultural resources as fish is of great importance.

### Columbia River Intertribal Fish Commission

Mr. Rob Lothrop, Columbia River Intertribal Fish Commission (CRITFC) explained the commission which was formed in 1977 by the Yakama, Umatilla, Warm Springs, and Nez Perce tribes. The commission provides technical assistance to the member tribes. There are approximately 100 staff mostly located in Portland, Oregon; however, there is also an enforcement office located in Hood River and an operations and maintenance office located in The Dalles, Oregon. Further, he noted there are 31 treaty fishing access points along the Columbia River in both the Washington and Oregon that are managed for the exclusive rights of the four member treaty tribes. During some periods, tribal members live at these in-lieu fishing sites. Finally, he noted the Columbia River constitutes an area of significant jurisdictional complexity.

### Confederated Tribes of Warm Springs

Mr. Bruce Jim, Confederated Tribes of Warm Springs and CRITFC, he has worked for CRITFC for 17 years. He noted the tribe has long been discussing what would happen if there was an oil train derailment along the Columbia River, then the Mosier, Oregon response occurred and this was an awakening. His concern is the measures that could be taken to prevent another incident. The tribe is also concerned with the Deschutes River where trains also travel and he knows of no plans for response along this water body. His goal is to create plans and procedures on how to prevent another oil spill. Finally, he stated the importance of tribes being better informed of the risks and repercussions of spills.

### Yakama Nation

Mr. Wilbur Slockish, Confederated Tribes and Bands of the Yakama Nation, Klickitat Tribe, stated his concern surrounds the rail lines that traverse some of their village sites and their lack of rights with regards to the rail companies. There are places where the old highway is still in use but in the interest of recreation it is being converted into a hiking trail without regard to the resources that would be taken from the tribe. Water is a precious commodity and when the water is polluted there is no drinking source. He believes the plans are incomplete because responders are not including tribal knowledge. For example, responder did not know of the old road from The Dalles to Mosier or other avenues to approach the incident to avoid the traffic on I-84.

### Port Gamble S’Klallam Tribe

Mr. Paul McCollum, Natural Resources Director, Port Gamble S’Klallam Tribe. His experience came from his involvement with the Prince Williams Sound Advisory Committee in Alaska. He would like to see a similar committee created for the Puget Sound. He expressed his thanks for the previous comments regarding productive plans.

Mr. Sam Phillips, stated he is new to contingency planning and expressed his concern over fishing rights for the tribe.

### Sauk-Suiattle Indian Tribe

Mr. Nils Landin, Geologist for the Sauk-Suiattle Indian Tribe stated he is new to contingency planning and would like to learn how to develop the skills and training that are necessary for the tribe to participate in a response within their reservation. The tribe is located in Darrington, Washington.

### Communication with the Tribes During a Spill

Mr. Milchak inquired of the panel on the best method of communication with the tribes for notification of an incident and during the incident.

#### Stillaguamish Tribe

Ms. Perez responded law enforcement should be the primary point of contact and they are aware of whom to contact in different tribal departments.

#### Burns-Paiute Tribe

Mr. Kesling responded it would be helpful for federal and state agencies to maintain a current staff list and get to know the members of the Tribal Council. He further noted, e-mail would generate the quickest response and allow for staff to follow up with a letter to the Tribal Council.

#### CTUIR

Mr. Huber responded the CTUIR has a 24-hour dispatch line which is the quickest way to make contact. Mr. Huber further noted that all the tribes are going to be configured differently and will have different rights but similar interests on a particular waterway.

#### CRITFC

Mr. Lothrop stated meeting tribal representatives is invaluable and encouraged continuous follow-up during an incident. He noted the CRITFC dispatch number is listed in the Columbia River Geographic Response Plans (GRPs). CRITFC is working to conduct additional trainings with their member tribes. Mr. Lothrop noted they looked at the GRPs in response to the Mid-Columbia GRP update and noted there are booming strategies and oil collection points that are directly in treaty fishing access locations and the plans had not been approved by the Tribes. He suggested coordination with the tribes to ensure that booming strategies and other response technologies are not being either directed to or using areas of importance to the tribes without tribal agreement.

#### Confederated Tribes of Warm Springs

Mr. Jim noted the tribe has created Fire Management Areas which has staged resources that can be used for forest fires and includes resources such as helicopters and they may be able to be added as a resources for other types of responses. Calling the Inter-Tribal Police Department, which is located in Hood River, is the best way to contact the Confederated Tribes of Warm Springs.

#### Yakama Nation

Mr. Slockish proposed storing equipment in places other than Portland and Vancouver. He further expressed concern of the need to recognize Tribal authority, which he stated was not recognized at the Mosier Response by the Incident Commander in the early stages of the response.

#### Port Gamble-S’Klallam Tribe

Mr. McCollum responded that in the case of drills, responders should contact the Natural Resources Department by cell phone. During an actual spill, he suggested obtaining confirmation of the contact and repeated follow up to ensure the proper person has been notified of an incident.

#### Sauk-Suiattle Indian Tribe

Mr. Landin noted the lesson learned from State Route 530 response was the tribe was completely cutoff without power or communication. As resources were being deployed to the incident, no federal agency contacted the tribe to confirm their status. Mr. Landin further noted the Incident Commander needs to understand tribal rights and responsibilities and that tribes should have access to the Incident Command Post.

### Bridge the Gap in the Pre-Planning Process, Just-in-Time Training

Mr. Milchak inquired of the tribes if they had suggestions on how to bridge the training and knowledge gap during the pre-planning process and introduced the idea of just-in-time training for tribal participation during an incident.

#### Stillaguamish Tribe

Ms. Perez responded positively to the concept of involving tribal leadership in training and the pre-planning process. Although the Stillaguamish Tribe recently received a brownfields grant that may be used to attend meetings and drills, those funds will not always be available and not all tribes have the personnel capacity to participate in drills and exercises. She noted there is a drill in November she hopes her tribe will be able to attend.

#### Burns-Paiute Tribe

Mr. Kesling responded that capacity is a difficult hurdle with most of the tribes. He noted the tribe is in a remote location and there is a lack of funding for representatives to travel and attend meetings and/or drills and exercises.

#### CTUIR

Mr. Huber responded positively to the concept of a regional tribal caucus and to just-in-time training. He expressed concern that the Yakama Nation had representation during the Mosier Response but other tribes did not. He suggested training to educate tribes on when tribal representatives should become involved in a response and what the agency expectations are. He states it was not clear during the Mosier Response when they should have become involved and how many people they should have sent. They didn’t want to add to the initial confusion unnecessarily.

#### Confederated Tribes of Warm Springs

Mr. Jim noted the tribes need to step forward and combine their resources to help each other during a response and training for the Columbia River would be helpful.

#### Port Gamble-S’Klallam Tribe

Mr. McCollum stated he would be interested in a Tribal Caucus for issues concerning the Puget Sound and Columbia River; however, he suggested the two areas be separated and there may be some tribes that would want to be involved in both caucuses. Mr. McCollum is attempting to create a citizen’s advisory council similar to Prince William Sound. Mr. McCollum also suggested revisions to the GRPS as he does not feel they have been properly or fully thought out and may be unrealistic.

Mr. Phillips suggested additional tribal training for the Incident Command System.

Mr. Milchak noted January 30 DOI will be conducting an oil spill course in Portland, Oregon which will be focused on DOI personnel but could be valuable to Tribal Representatives. Mr. Milchak encouraged tribal participation during the NWAC Annual Summit which will be conducted on 1 December in Seattle, Washington. He also noted drills and exercises are posed on the drills calendar which is located on the NWAC/RRT web page. Finally, Mr. Milchak noted there is new guidance on how tribes can be members of the RRT.

## Mosier Crude Oil Train Derailment Incident Brief

Ms. Clark introduced the topic which will be a final debrief of the incident. Mr. Chad Hawkins, Hazmat Rail Coordinator with Oregon State Fire Marshall (OSFM) gave a presentation on the initial incident and included general observations for improvements in future responses. The presentation can be viewed [here](http://www.rrt10nwac.com/files/files/02_10-04-16_OSFM%20Mosier%20Derailment.pptx).

## Mosier Crude Oil Train Derailment Initial Findings from Individual Hotwashes

### Oregon Department of Environmental Quality

Mr. Mike Zollitsch, ODEQ, gave an overview of Oregon lessons learned. He noted the Oregon Department of Emergency Management (OEM) is conducting a review of the incident and participating Oregon agencies, the review will be available on-line when it is completed. The review recognizes the positive aspects of the response. Mr. Zollitsch reported the following were major lessons learned for ODEQ:

* ODEQ did not have an understanding of Union Pacific (UP) plans for mobilizing and equipment cache locations, based on this, he suggested cross-training with the railroads and other partners.
* The information relayed to senior state agencies and how information was being channeled within various state agencies was not being coordinated and compiled for briefing the Governor.
* There is a need to have better coordination with other state partners with regards to coordination of public information and the use of social media.
* The Oregon Public Affairs Office needs to determine how they would train to work together in a large-scale response.
* Because of staffing levels within ODEQ, it was difficult to get personnel at the beginning of the response and left only skeleton crews available in regional offices to respond to other incidents across the state.
* EPA coordinated a great call for those on-site and off-site which kept everyone updated on the status of the response. Based on the success of these calls, Oregon will be looking into having a coordination call among supporting agencies.
* Traffic Management Plan coordinated with ODOT and WSDOT. The closure of I-84 completely overwhelmed both agencies and the plan.

### Washington State Department of Ecology

Mr. Dave Byers gave a presentation on the lessons learned from Department of Ecology. Mr. Byers noted the success of the response was due to all of the drills and trainings that have been conducted. The presentation can be viewed [here](http://www.rrt10nwac.com/files/files/03_10-04-16_Mosier%20ECY%20Lessons.pptx).

### Union Pacific Railroad

Mr. Robert Bavier, UPRR, discussed lessons learned from the UP perspective. There have been great suggestions to improving the existing system. The major lessons learned included:

* Need to improve the connections with the Tribes as they know the waterways better than any of the other responders.
* UP did not activate the Incident Management Team (IMT) early enough. Delayed activating the IMT because it was late in the evening in the mid-west and east coast.
* The UP Hazmat team is very well trained but UP needs to familiarize other departments with ICS. Have instituted a plan to ensure this occurs.
* Needed more accountability as to where staff are located (e.g. Mosier or The Dalles).
* The biggest success was absolute cooperation between all the participating agencies involved and everyone was focused on the goal of the response. There were no secrets or side decisions being made.

### United States Environmental Protection Agency

Mr. Matt Magorrian gave a presentation of lessons learned from various hotwashes. The presentation can be viewed [here](http://www.rrt10nwac.com/files/files/04_10-04-16_EPA%20Mosier%20Lessons.pptx).

## Mosier Crude Oil Train Derailment Hotwash

Mr. Calvin Terada, EPA, will facilitate the discussion. He asked the panel participants to review their role in the early portion of the response.

### Transitioning from Fire to Environmental Response

Chief Jim Appleton, Mosier Fire Department, discussed the local preparation for a response of that magnitude. Because there is a five county, two state mutual aid agreement, one telephone call activated all 28 of the responding fire departments. The drill that was conducted earlier with US Forest Service assisted in enabling a faster response. The boil water notice was in response to the potential for activating a back-up well that is known to have contamination, even though this well was never brought on-line.

Mr. Jeff Dukes, UPRR, noted his goal is to get fire fighters trained for this type of response. Clean Harbors and NRC were activated as he was en route to the incident.

Mariana Ruiz-Temple, Oregon State Fire Marshal (OSFM), noted it is an important to understand the state plans as well as the NWACP. A State fire and localization plan exists in Oregon which contains regional and state assets that could have been deployed to the incident. Chief Heffner, OSFM, discussed the training plans for the agency and noted they are exploring a training and planning session for OSFM staff and 300 statewide fire departments. OSFM recognizes there is a need to target senior and elected officials and some of the state agencies as well for this type of training. Finally, he noted that upstream communication needs to be improved within the state agencies.

CAPT Berliner discussed the possibility of closing the river as Captain of the Port, which would have increased safety and security but would have caused additional challenges to the response.

Mr. Terada inquired of the status of unified command (UC) when UP arrived at the scene. Mr. Dukes replied UC began when he was in Troutdale. Rail patrol is generally designated as the Safety Officer since they carry a badge and a gun and have authority on the rail. Mr. Richard Franklin, On-Scene Coordinator (OSC), EPA noted the scene was chaotic when he arrived and went to the ICP. Mr. Byers stated when he got on scene there was the beginnings of organization but it was not established until around 0600 the following morning. ODEQ assumed the fire would go longer and did not add staff until Saturday. Ecology thought the Public Information Officer (PIO) had also been mobilized but found later they had not been. ODEQ relied on OSFM to be their eyes and ears in the response.

Mr. Franklin noted that it was not quite clear how to determine when the Oregon RRT should be demobilized. Chief Heffner noted OSFM needs to determine, based on the various plans, what is their role. Mike Traeger, Hazmat 3 Gresham Fire, noted on freeway incidents, they do not leave until the product has been contained. A rail incident is different because of the amount of resources. Chief Heffner noted an IMT would have assisted in the transition from Fire. There was confusion within OSFM as to when the transition should have occurred. The Oregon hazmat team cannot take command.

Holly Robinson, Maritime Fire and Safety Association, noted there is an umbrella response plan on the Columbia River that meets requirements for Washington and Oregon that covers all ships on the Columbia River for the 1st 24 hours when the responsible party is expected to take over. The document is approximately 5 pages and very detailed.

Darren Kennedy, US Forest Service (USFS) inquired if there was a question of jurisdictional authority during the response. Mr. Byers stated the initial Unified Command (UC) meeting was approximately 10 hours into the response. Ecology has created a punch-list of items that have to be discussed and agreed upon. He further noted, Ecology had a lot of resources at the incident there were questions as to why Ecology was in UC and in decision-making positions. Ecology was involved in UC because there was a threat to Washington resources which solidified their jurisdictional authority. Mr. Franklin suggested education for OSCs regarding tribal jurisdiction.

Mr. Franklin inquired about transition from the emergency response phase to the remedial phase. Mr. Bavier responded remediation team mobilizes at the same time as the emergency response team.

Mr. Zollitsch inquired if the local fire chief remains in UC during and after the transition and asked how health issues are incorporated into the command structure. Mr. Byers responded there needs to be a local representative in UC and that local representative could be a fire chief and remain the fire chief or that person could change. If it stays the same, then local resources would be brought in for consultation through that local OSC.

### Tribal Participation

Mr. Terada noted, one of the terms used in the Alaska Unified Command is “traditional knowledge” which is important for a given area and there is a need to understand how we utilize, gather, and coordinate that information then use it to make decisions. Elizabeth Sanchey, Yakama Nation, is the only person that has been named as a Tribal OSC and given the authority to make decisions on behalf of the Yakama Nation. Mr. Terada inquired how would other tribes name an IC, what would be the steps to name that IC? Mr. Lothrop responded CRITFC does not have firefighting capability but they do have enforcement and Yakama does have hazmat capability. The state governments do not have authority to close a tribal fishery. Within hours CRITFC had enforcement personnel at the incident who participated in UC. The commissioner inquired what he could do to help, he was requested to assist with evacuation. Mr. Lothrop reported, CRTFIC attended a Washington County hotwash where it was reported their 911 system was overwhelmed and they could not manage calls immediately following the incident. Mr. Lothrop noted enforcement response trailers owned by CRITFC could have set up a 911 auxiliary response system to compensate. Mr. Lothrop noted the presence of Yakama representatives helped the success of the response. Mr. Lothrop was invited into the Environmental Unit (EU) by Ms. Linda Pilkey-Jarvis, Ecology, and Mr. Don Pettit, ODEQ. He was advised to install passive water quality monitoring stations in the Columbia River which he passed on in the EU and did not feel this was adequately assessed at the time of the suggestion.

### Involving Support Agencies

Ms. Clark reported on the coordinating calls that were conducted during the response and inquired if the participating support agencies considered these calls helpful. Mr. Ken Duncan, US Army Corps of Engineers (Corps), stated the calls were of assistance in briefing their agency managers. Mr. Milchak, also state the calls were helpful in providing information to other agencies within their purview. He noted the calls were also helpful in providing a venue for additional resources requests, for example, near the end of the project, USFWS requested a sample of the oil for Natural Resources Damage Assessment (NRDA) that was able to be requested in those calls. NRDA sampling is not usual unless requested. Ms. Nancy Munn, National Oceanic and Atmospheric Administration (NOAA) Fisheries stated the calls were valuable; however, their challenge was knowing where to insert themselves. She inquired of current conditions at the site. Mr. David Anderson, ODEQ, noted the cleanup phase is being conducted. There is sample data but the report has not been produced as yet. Ms. Munn noted timing is becoming critical as the fall rains start which could push contamination into the river. Mr. Anderson reported boom has been reinstalled in Rock Creek in case product might flow underground and infiltrate the Columbia River.

CAPT Berliner reported they have problems with image sharing. The images that were shared were from a personal cell phone, relayed back to Astoria, then pushed out to the RRT. Although obviously in EPA jurisdiction, they were involved as a support to EPA.

Mr. Scott Barrett, Federal Railroad Administration (FRA), reported on their role in the response they were at the site with the Oregon Department of Transportation Rail Team and when their investigation was completed, they demobilized

Mike Greenberg, ODEQ, suggested having local level, state level, and federal level coordination calls on larger incidents.

Mr. Bavier noted UPRR conducts a minimum of two coordination calls per day. It allows for easy updates to management and allows the responders to request additional resources. He suggested incorporating coordination calls into the NWACP if it is not already there.

## Closing Comments

Mr. Terada thanked everyone for attending and the meeting was adjourned.