

# Long Island Sound Area Contingency Plan

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### 1000 Introduction

This Area Contingency Plan describes the strategy for a coordinated federal, state and local response to a discharge or substantial threat of discharge of oil or a release of a hazardous substance from a vessel, offshore facility, or onshore facility operating within the boundaries of the Long Island Sound Area and south of Long Island up to 200 miles offshore. This plan addresses responses to a most probable discharge, a maximum most probable discharge, and a worst-case discharge including discharges from fire or explosion. Planning for the scenarios covers the expected range of spills likely to occur in this area.

This plan shall be used as a framework for response mechanisms to address, as a minimum, the incident command structure, operations, planning, and logistics activities, financial / administrative responsibilities, hazardous material control, and firefighting.

#### 1100 Authority

Section 4202 of the [Oil Pollution Act of 1990](#) (OPA 90) amended Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)) to address the development of a National Planning and Response System. As part of this system, Area Committees have been established for each area designated by the President. These Area Committees are comprised of qualified personnel from federal, state, and local agencies. Each Area Committee, under the direction of the Federal On-Scene Coordinator (FOSC) for the area, develops an Area Contingency Plan (ACP) which, when implemented in conjunction with the National Contingency Plan (NCP) ([40 CFR 300](#)), shall be adequate to remove a worst case discharge of oil or a hazardous substance, and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility. Each Area Committee also works with state and local officials to pre-plan for joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife. The Area Committee also works with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

The functions of designating areas, appointing Area Committee members, determining the information to be included in Area Contingency Plans, and reviewing and approving Area Contingency Plans have been delegated by [Executive Order 12777 of 22 October 1991](#), to the Commandant of the U.S. Coast Guard (through the Secretary of Transportation) for the coastal zone, and to the Administrator of the Environmental Protection Agency for the inland zone. The term "coastal zone" is defined in the current NCP ([40 CFR 300.5](#)) to mean all United States waters subject to the tide, United States waters of the Great Lakes, specified ports and harbors on inland rivers, and the waters of the Exclusive Economic Zone (EEZ). The Coast Guard has designated as areas, those portions of the Captain of the Port (COTP) zones that are within the coastal zone, for which Area Committees will prepare Area Contingency Plans. The COTP zones are described in Coast Guard regulations ([33 CFR Part 3](#)).

Several federal, state, and local agencies have a direct role in the enforcement of applicable laws and regulations associated with a discharge, or substantial threat of a discharge, of oil and hazardous substances into the navigable waters of the U.S.

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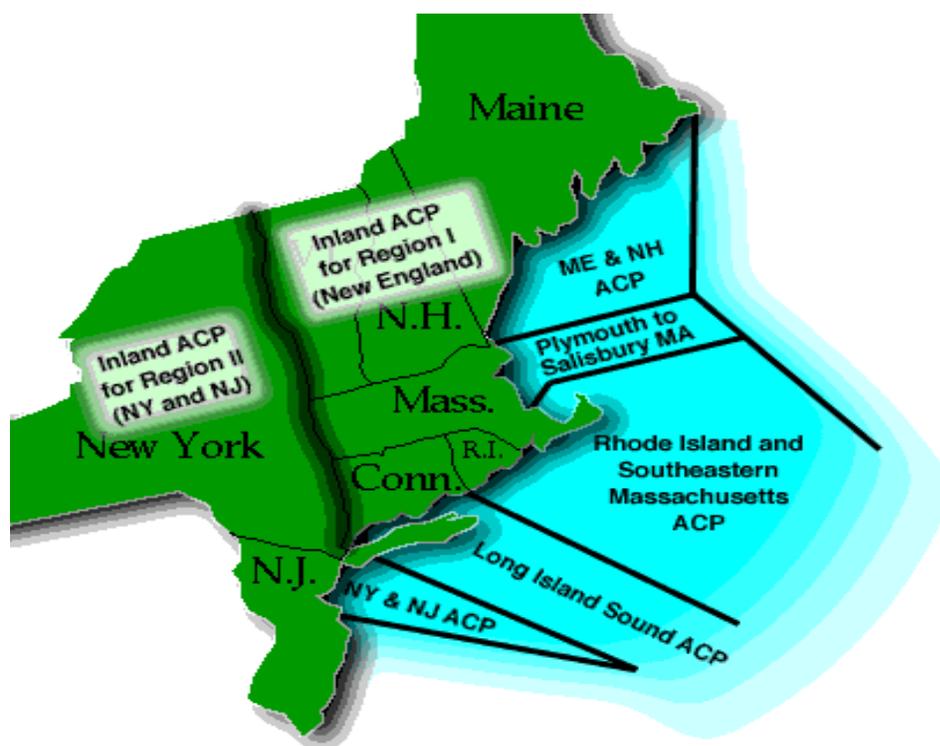
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The investigation into alleged violations of the many applicable laws and regulations requires a coordinated effort among the many federal, state, and local agencies involved. As a preliminary step to enhance the effectiveness of investigative activities and limit the potential negative impact of these activities upon the cleanup and removal actions associated with an incident, the following agencies have been identified as having a direct, field-oriented role in the initial stages of these events:

- |  |   |
|--|---|
| <input type="checkbox"/> USCG Sector Long Island Sound                     | <input type="checkbox"/> U.S. EPA   |
| <input type="checkbox"/> NOAA  | <input type="checkbox"/> DOI  |
| <input type="checkbox"/> New York Department of Environmental Conservation | <input type="checkbox"/> Connecticut Department of Environmental Protection |

### 1200 Geographic Boundaries

The boundary of the Long Island Sound Captain of the Port (COTP) Zone is referenced in [33 CFR Part 3.05-35](#) and depicted below. The USCG and the EPA have agreed upon a boundary for the state of CT delineating inland and coastal zones in Region 1 and for the state of NY delineating inland and coastal zones in Region 2. Spills occurring on the routes comprising the boundary are the responsibility of the EPA On-Scene Coordinator (OSC). All islands off the coast of Connecticut will be the responsibility of the Coast Guard OSC. Specific detailed information on the EPA/CG OSC boundary can be found at [EPA/CG Boundary](#) and [Appendices - 9730.21](#) and [9730.22](#). A [MOU between EPA Region 2 and the First Coast Guard District](#) provides detailed information on this boundary and a method of transferring OSC responsibilities between the two agencies if needed. A similar MOU for EPA Region 1 and the First Coast Guard District is under development. MOUs are included in Appendix 9500.



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### **1300 Area Committee**

The primary role of the Area Committee is to act as the preparedness and planning body. Area Committees are made up of experienced environmental/response representatives from federal, state, local, and tribal government agencies with definitive responsibilities for the area's environmental integrity. Each member is empowered by their own agency to make decisions on behalf of the agency and to commit the agency to carrying out roles and responsibilities as described in this plan.

#### **1310 Purpose**

The Area Committee's purpose is to:

- Plan for a safe, appropriate, and timely response to all reports of oil or hazardous substance spills;
- Pre-plan under the Incident Command System (ICS) for joint response efforts, including procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife; and
- Expedite decisions for the use of dispersants and other mitigating substances and devices.

#### **1320 Organization**

The pre-designated Federal On-Scene Coordinator (FOSC) will serve as chairman of the Committee. The FOSC will designate the vice-chairman, select the Committee members, and provide general direction and guidance for the Committee. The FOSC will coordinate the activities of the Area Committee and ensure the development of a comprehensive Area Contingency Plan that is consistent with the [National Contingency Plan](#). The FOSC should solicit the advice of the Regional Response Team (RRT) to determine appropriate representatives from federal and state agencies. The Area Committee is encouraged to solicit advice, guidance, or expertise from all appropriate sources and establish subcommittees as necessary. The FOSC will appoint subcommittee members. The FOSC directs the Area Committee's development and maintenance of the Area Contingency Plan. Subcommittee participants may include facility owners/operators, shipping company representatives, cleanup contractors, emergency response officials, marine pilots associations, academia, environmental groups, consultants, response organizations and concerned citizens.

#### **1330 Charter Members**

Please contact Sector Long Island Sound for an up to date listing of Area Committee Members.

### **1400 National Response System**

#### **1410 National Response Structure**

The purpose of the National Response Policy is to ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge, of oil or hazardous substances.

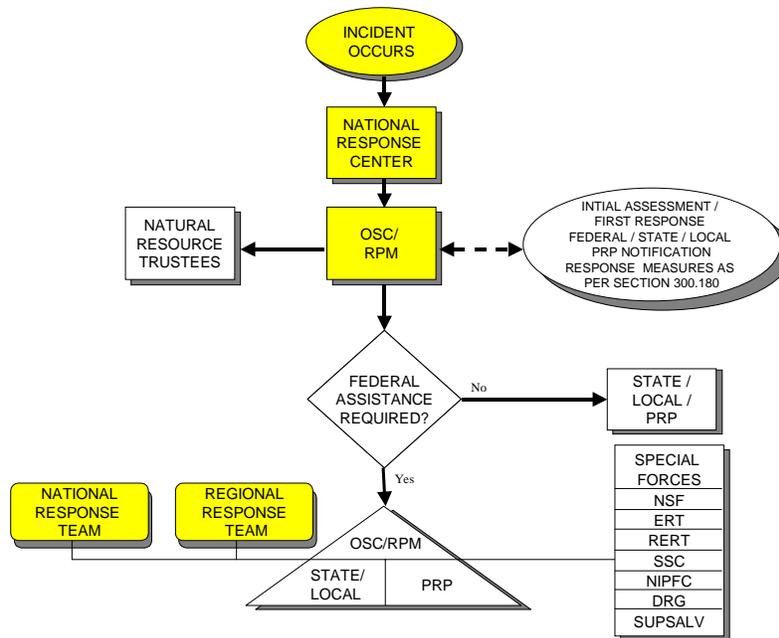
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The National Incident Management System (NIMS) based Incident Command System (ICS) shall be adopted for response to oil and hazardous substance incidents in order to standardize response management.

When a discharge of oil or release of hazardous substance occurs, the responsible party (RP), its response contractors, the local fire and police departments, and the local emergency response and USCG personnel provide the first line of defense. If needed, a variety of state agencies stand ready to support, assist, or take over response operations if an incident is beyond local capabilities. Figure 1 depicts the notification and decision making requirements during a response.

**Figure 1**  
**National Response System**



If the reportable quantity or harmful quantity of a hazardous substance release or oil discharge is exceeded, the RP for the discharge/release is required by law to notify the federal government's [National Response Center](#) (NRC).

Once a report is made, the NRC immediately notifies a pre-designated EPA or U.S. Coast Guard [Federal On-Scene Coordinator \(FOSC\)](#), based on the location of the discharge/release. The procedure for determining the lead agency is clearly defined so there is no confusion about who is in charge during a response. The FOSC determines the status of the local response and monitors the situation to determine whether, or how much, federal involvement is necessary. It is the FOSC's job to ensure that the response and cleanup, whether accomplished by industry, local, state, or federal officials, is appropriate, timely, and minimizes human and environmental damage.

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The FOSC may determine that the local action is sufficient and that no additional federal action is required. If the incident is large or complex, the FOSC may remain on the scene to monitor the response and advise on the deployment of personnel and equipment. However, the FOSC will coordinate the response in the following situations:

- ❑ If the RP for the discharge of oil or release of hazardous substances is unidentified, not cooperative, or the proposed response would cause additional harm to the environment.
- ❑ If the FOSC determines that the discharge/release is beyond the capacity of the company, local, or state responders to manage; or if the incident is determined to present a substantial threat to public health or welfare due to the size or character of the discharge/release.

The FOSC may request additional support to respond to a discharge/release, such as additional contractors, technical support from EPA's [Environmental Response Team](#), or Scientific Support Coordinators from the [National Oceanic and Atmospheric Administration](#). The FOSC also may seek support from the [Regional Response Team](#) to access special expertise or to provide additional logistical support. In addition, the [National Response Team](#) stands ready to provide backup support to the FOSC and the RRT.

The FOSC will remain involved following response actions to undertake a number of activities, including assessing damages, supporting restoration efforts, and recovering response costs from the RP for the discharge/release.

If the spill rises to the level of an actual or potential incident of national significance, the National Response Plan will be put into effect. Section 1460 of this plan includes information on the implementation of the NRP.

### SONS

A Spill of National Significance (SONS) is defined as a spill which greatly exceeds the response capability at the local and regional levels and which, due to its size, location, and actual or potential for adverse impact on the environment is so complex, it requires extraordinary coordination to contain and clean up. The National Response Plan (NRP) will be put into effect if the spill is designated a SONS.

Per the NCP and NRP, the Commandant retains sole authority for designating a coastal zone oil or hazardous substance release a SONS. If a SONS determination is made, the DHS Secretary and National Response Team (NRT) will be advised of the decision and a Joint Field Office will be set up (please see Section 1460, National Response Plan, for further detail on the JFO structure).

### 1420 Regional Response Team (RRT) Structure

The Region 1, RRT is the federal component of the National Response System for the states of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island and Connecticut. RRT I is made up of representatives from [16 federal departments and agencies, each of the States/Commonwealths and Federally Recognized Tribes](#). RRT I is co-chaired by the Manager of the Emergency Planning and Response Branch from

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the Environmental Protection Agency's (EPA) regional office in Boston, MA, and the Chief of the Marine Safety Division of the United States Coast Guard's First District. RRT I meets at least two times per year throughout the region.

RRT I serves as the regional body for planning and preparedness activities and for coordination of support and advice during such response actions. The Region I RRT has developed an [operations manual](#), which provides information on the following:

RRT ACTIVATION PROCEDURES	REGIONAL CONTINGENCY PLAN
COMMITTEES AND WORKGROUPS	OPERATIONS MANUAL REVISIONS
MEETINGS	RRT CALLDOWN EXERCISES
SEMI-ANNUAL REPORTS	JOINT WORK WITH THE CANADIAN GOVERNMENT
RRT REQUESTS FOR OSC REPORTS	JOINT PREPAREDNESS TEAM and the REGIONAL JOINT RESPONSE TEAM

Additional information about the Region I RRT can be found at <http://www.uscg.mil/d1/staff/m/rrt/rrt1.html>.

RRT II is the federal component of the National Response System for the states New York and New Jersey. RRT II is made up of representatives from [16 federal departments and agencies and both States](#). It is co-chaired by the Manager of the Response and prevention Branch from the Environmental Protection Agency's (EPA) regional office in Edison, NJ, and the Chief of the Marine Safety Division of the United States Coast Guard's First District. It usually meets twice per year throughout the region. [RRT II Operations Manual](#).

RRT II is a planning, policy, and coordinating body, which does not respond directly to the scene of a spill or release. It provides assistance as requested by the On-Scene Coordinator during an incident.

Additional information about the Region II RRT can be found at <http://www.uscg.mil/d1/staff/m/rrt/rrt2.html>.

### 1430 Area Response Structure

When an Incident Area Command is established, Incident Commanders (COTPs) will report to the Incident Area Commander. The Incident Area Commander is accountable to the Commandant.

It is important to remember that Incident Area Command does not replace the Incident Command level ICS organization or functions. Incident Commanders under the designated Incident Area Commander are responsible to, and should be considered as part of, the overall Incident Area Command organization. They must be provided

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adequate and clear delegation of authority, especially relating to who specifically is designated as the FOSC, as per [40 CFR 300.140](#) (just one person is designated and acts as FOSC).

The Incident Area Commander will have overall responsibility for strategic management of the discharge/release event. If the response under the authority of the Incident Area Command is multi-jurisdictional, a unified Incident Area Command should be established. This arrangement allows each jurisdiction to have representation in the Incident Area Command. Representatives to the Incident Area Command would typically be at the highest executive levels within a responding organization such as a state governor or direct representative, CEO or President of the affected commercial entity. For the incident(s) under its authority, Incident Area Command has the responsibility to:

- Set the overall incident-related strategic priorities
- Allocate critical resources based on those priorities
- Ensure that the incident is properly managed
- Ensure that incident objectives are met and do not conflict with each other or with agency policy

Recently, Homeland Security Presidential Directive HSPD-5 has directed the use of the National Incident Management System (NIMS). When more than one agency is involved in this response, the agencies will utilize a unified command structure to jointly manage the discharge/release incident. In the Unified Command, response decisions will be made by consensus using the expertise of each agency. This Unified Command will typically consist of the Federal On-Scene Coordinator (FOSC), State On-Scene Coordinator (SOSC), possibly a Local On-Scene Coordinator (LOSC) and a Responsible Party (RP) representative. The unified command may incorporate additional tribal or local government on scene coordinators into the command structure as appropriate. The ICS organization is designed to expand or contract to meet the needs of the incident so not all positions will be filled. New positions can be added as needed. All responders (federal, state, tribal, local and private) should be incorporated into the response organization.

When a unified command is used, an Incident Command Post (ICP) and Joint Information Center (JIC) shall be established. The FOSC has the ultimate authority in a response operation and will exert this authority only if the other members of the unified command are not present or are unable to reach consensus within a reasonable time frame.

### **1430.1 Responsibilities for Trans-boundary FOSC Impacts**

In order to ensure that the FOSC designated to respond to the incident takes into account the planning and response needs of the lesser-impacted area/region, the following guidance applies:

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The occurrence of a significant discharge/release in the contiguous waters of interest between two FOSCs will be promptly responded to and initially assessed by the FOSC in whose jurisdiction the discharge/release occurs. The responding FOSC, in assessing the potential impact of the incident, will determine, to the extent practical, the area vulnerable to the greatest threat and the potential for the trans-zone migration of pollutants.

For those incidents where trans-zone impacts are probable, the responding FOSC will promptly notify First District (m)/RRT Co-chair, who will designate a single FOSC, as indicated above. First District (m)/RRT Co-chair will also ensure appropriate notifications are made, especially to representatives from those states whose waters may be adversely impacted by that discharge/release, so as to activate all affected area and regional plans. First District (m)/RRT Co-chair will make appropriate notifications to the RRT.

Coast Guard COTPs in adjoining areas will be directed to assist the designated FOSC by making initial notifications to states, trustees, and other stakeholders in their zones whose waters/resources have the potential of being adversely impacted by the discharge/release.

After initial notifications, the designated FOSC will more thoroughly assess the actual threat from the discharge/release and, in the meantime, will also respond or intervene, to the extent practical, to prevent the spread of the pollutant into the contiguous waters of adjoining COTPs zones. After determining the degree of impact likely, the designated FOSC will convey to adjoining COTPs and states, the level of response expected from them based on the criteria described below.

The designated FOSC, to ensure adjoining COTPs and threatened states are afforded every opportunity to efficiently and effectively communicate their planning and response priorities in mounting a proper response to the incident, will invite representatives from affected parties outside his/her zone to join his/her staff at the incident command post according to the following tiered structure:

If "potentially affected," adjoining COTPs and threatened states will send liaison officers who will report directly to the designated FOSC's Liaison Officer.

If "imminent threat" exists (projected impact to occur within 24 hours, based either on scientific data/trajectory or actual observation), adjoining COTPs and threatened states will send a full complement of staff members who will be integrated directly into all germane ICS functional cells, both at the command and general staff level. States will also send a State On-Scene Coordinator (SOSC) rep that will become part of the Unified Command.

The First District (m)/RRT Co-chair should convey the designated FOSC's daily information reports about the discharge/release to adjoining COTPs, states and trustees with interest in discharge/releases, as well as to RRT members. To facilitate information flow and sufficient communication acceptable to the parties involved, telephonic conference calls should be used.

As a fail-safe method for adjoining COTPs that are threatened, states or trustees who believe the communication from the discharge/release site is less than adequate, fallback is for each party to refer its complaint directly to the First District (m)/RRT co-chair for resolution.

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### 1440 Incident Command System

The organization of the Incident Command System is built around five major management activities. They are:

<b>COMMAND</b>	Sets objectives and priorities and has overall responsibility at the incident or event
<b>OPERATIONS</b>	Conducts tactical operations to carry out the plan. Develops the tactical objectives. Directs all organizational and equipment resources
<b>PLANNING</b>	Develops the action plan to accomplish the objectives. Collects and evaluates information. Maintains situation and resource status
<b>LOGISTICS</b>	Provides support to meet incident needs. Provides resources and all other services needed to support the incident
<b>FINANCE / ADMINISTRATION</b>	Monitors costs related to incident. Provides accounting, procurement, time recording, cost analyses

These five major management activities apply whether you are handling a routine emergency, organizing for a major event, or managing a major response to a disaster.

On small incidents the Incident Commander (IC) may manage these major activities. Large incidents usually require that they be set up as separate sections within the organization.

Each of the primary ICS sections may be sub-divided as needed. The ICS organization has the capability to expand or contract to meet the needs of the incident.

A basic ICS operating guideline is that the person at the top of the organization is responsible until the authority is delegated to another person. Thus, on smaller incidents where additional persons are not required, the Incident Commander will directly manage all aspects of the incident organization.

The [Incident Management Handbook: April 2001](#) should be referenced for additional information.

**ICS forms** ([ICSFORMS Solution](#)) is an electronic version of the ICS forms that you can download and use on a Macintosh or Windows PC.

The U.S Coast Guard [National Incident Management System \(NIMS\) and National Response Plan \(NRP\) Implementation Plan](#) dated December 29, 2004 provides the framework for implementing NIMS ICS throughout the Coast Guard for use during all response operations and the management of major events.

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### 1450 Area Exercise Mechanism

The routine testing of plans, relationships, and notifications ensures preparedness to respond even as the number of actual discharge/releases decreases. Under the Preparedness for Response Exercise Program (PREP), plans are regularly tested through notification, tabletop, equipment deployment, and government-initiated unannounced exercises. Additional PREP information, including government-led schedules can be found at the following web site: <http://www.uscg.mil/hq/g-m/nmc/response/#prep>.

The Area exercises are divided into two classification categories; internal and external. The internal exercises are: Notification Drills (quarterly); Spill Management Team Tabletop Exercises (SMT-TTX) (annually); Equipment Deployment Exercises (annually); and, Government Initiated Unannounced Exercises (maximum of 4 per area per year). The external exercises are Government led Area exercises and Industry led Area exercises. The FOSC is responsible for planning, designing, and executing the internal exercises. The National Strike Force Coordination Center (NSFCC) is responsible for scheduling the external exercises and the appropriate FOSC remains involved in the planning, design, and execution of the Government led Area exercises. The FOSC will consult in exercise development and will participate as appropriate in the Industry led Area exercises.

The Area Committee has the responsibility for incorporating the lessons learned during these exercises into the appropriate sections of the Long Island Sound Area ACP.

#### 1450.1 Exercises and Drills

The OSC shall periodically conduct drills of removal capability, without prior notice, in areas for which Area Contingency Plans are required, to assess the effectiveness of such plans and relevant tank vessel and facility response plans. These drills may include participation by federal, state, and local agencies, the owners and operators of vessels and facilities in the area, and private industry. The NSFCC will act as a clearinghouse for these exercises, participating in the development, execution and evaluation to the fullest extent practicable, with the cognizant program managers of the USCG and EPA. The NSFCC may, in conjunction with the cognizant program managers of the USCG and EPA, impose unannounced area or multi-area exercises.

[Note: The NSFCC is responsible for executing the National Response System Pollution Exercise Program (NPREP). All Coast Guard participation in exercises will be coordinated with and/or through the NSFCC.]

### 1460 National Response Plan

The [National Response Plan](#) (NRP) is an all-discipline, all-hazards plan that establishes a single, comprehensive framework for the management of all domestic Incidents of National Significance. Developed pursuant to Homeland Security Presidential Directive (HSPD)-5, the NRP was signed in December 2004. Its 32 signatory organizations include 29 Federal departments and agencies, the American Red Cross, the Corporation for National Community Service, and the National Voluntary Organizations Active in Disaster.

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As the core operational plan for domestic incident management, the NRP supersedes the Federal Response Plan (FRP), the U.S. Government Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN), and the Federal Radiological Emergency Response Plan (FRERP). The NRP also incorporates other national interagency plans as supporting plans or operational supplements, and, links to and integrates other Federal interagency plans such as the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). When warranted, the NRP includes the presence of a Principal Federal Official (PFO) designated by the Secretary of Homeland Security to act as his or her representative locally and to oversee and coordinate Federal activities.

Federal consequence management operations are a major function of the NRP and are conducted under the direction of an appointed Federal Coordinating Officer (FCO).

The NRP outlines how the Federal Government implements the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended (42 U.S. Code 5121, et seq.)). The Stafford Act is the principal legislation and funding vehicle for Federal emergency assistance to State, local and tribal governments when a major disaster or emergency overwhelms their ability to respond effectively, and following a Presidential declaration of a major disaster or emergency. All Presidentially declared disasters and emergencies under the Stafford Act are considered Incidents of National Significance.

The NRP organizes the types of Federal response assistance under 15 Emergency Support Functions (ESFs), identifying at least one Primary Agency in each ESF:

- **ESF #1 Transportation** – Assists Federal agencies; State, local and tribal governmental entities; and voluntary organizations requiring transportation for an actual or potential Incident of National Significance. This ESF also engages in the prevention/mitigation, preparedness, recovery, infrastructure restoration, safety and security of the national transportation system. **Department of Transportation**
- **ESF #2 Communications** – Ensures the provision of Federal telecommunications support to Federal, State, local, tribal and private-sector response efforts during an Incident of National Significance. This ESF supplements the provisions of the National Plan for Telecommunications Support in Non-Wartime Emergencies. **Department of Homeland Security**
- **ESF #3 Public Works and Engineering** – Provides technical advice and evaluation, engineering services, contracting for construction management and inspection, contracting for the emergency repair of water and wastewater treatment facilities, potable water and ice, emergency power, and real estate support to assist the State(s) in meeting goals related to lifesaving and life-sustaining actions, damage mitigation, and recovery activities related to an Incident of National Significance. **Department of Defense, U.S. Army Corps of Engineers; Department of Homeland Security, Federal Emergency Management Agency**

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- **ESF #4 Firefighting** – Detects and suppresses wildland, rural, and urban fires resulting from, or occurring coincidentally with, an Incident of National Significance. **Department of Agriculture**
- **ESF #5 Emergency Management** – Provides the core management and administrative functions in support of National Response Coordination Center (NRCC), Regional Response Coordination Center (RRCC) and Joint Field Office (JFO) operations. **Department of Homeland Security, Federal Emergency Management Agency**
- **ESF #6 Mass Care, Housing, and Human Services** – Supports State, regional, local, and tribal government and nongovernmental organization (NGO) efforts address the non-medical mass care, housing and human services needs of individuals and/or families impacted by incidents of National Significance. **Department of Homeland Security, Federal Emergency Management Agency; American Red Cross**
- **ESF #7 Resource Support** – Assists Federal agencies and State, local, and tribal governments requiring resource support through purchasing, contracting, renting and/or leasing equipment, material and supplies prior to, during and/or after Incidents of National Significance. **General Services Administration**
- **ESF #8 Public Health and Medical Services** – Provides coordinated Federal assistance to supplement State, local, and tribal resources in response to public health and medical care needs (to include veterinary and/or animal health issues when appropriate) for potential or actual Incidents of National Significance and/or during a developing potential health and medical situation. **Department of Health and Human Services**
- **ESF #9 Urban Search and Rescue** – Rapidly deploys components of the National Urban Search and Rescue (US&R) Response System to provide specialized life-saving assistance to State, local, and tribal authorities during an Incident of National Significance. US&R operational activities include locating, extricating, and providing onsite medical treatment to victims trapped in collapsed structures. **Department of Homeland Security, Federal Emergency Management Agency**
- **ESF #10 Oil and Hazardous Materials Response** – Provides Federal support to State, local, and tribal governments in response to an actual or potential discharge and/or uncontrolled release of hazardous materials during Incidents of National Significance. Note: The Federal Government may also respond to oil and hazardous materials Incidents of National Significance using mechanisms of the NCP without activating ESF #10. **Environmental Protection Agency; U.S. Coast Guard**
- **ESF #11 Agriculture and Natural Resources** – Supports State, local, and tribal authorities and other Federal efforts to address: (1) provision of nutrition assistance; (2) control and eradication of highly contagious or economically devastating diseases; (3) assurance of food safety and security; and (4) protection of natural and cultural resources and historic properties prior to, during and/or after an Incident of National Significance. **Department of Agriculture; Department of the Interior**

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- **ESF #12 Energy** – Supports restoration of damaged energy systems and components during a potential or actual Incident of National Significance as part of ensuring continuous and reliable energy supplies nationwide. **Department of Energy**
- **ESF #13 Public Safety and Security** – Integrates Federal public safety and security capabilities and resources to support the full range of incident management activities associated with potential or actual Incidents of National Significance. ESF #13 provides a mechanism for coordinating and providing Federal-to Federal support or Federal support to State and local authorities to include non-investigative/non-criminal law enforcement, public safety, and security capabilities and resources. **Department of Homeland Security; Department of Justice**
- **ESF #14 Long Term Community Recovery and Mitigation** – Provides a framework for Federal government support to State, regional, local, and tribal governments, nongovernmental organizations (NGOs), and the private sector designed to enable community recovery from the long-term consequences of an Incident of National Significance. This support consists of available programs and resources of Federal departments and agencies to enable community recovery and to reduce or eliminate risk from future incidents, where feasible. **Department of Agriculture; Department of Commerce; Department of Homeland Security, Federal Emergency Management Agency; Department of Housing and Urban Development; Department of the Treasury; Small Business Administration**
- **ESF #15 External Affairs** – Ensures that sufficient Federal assets are deployed to the field during a potential or actual Incident of National Significance to provide accurate, coordinated and timely information to affected audiences, including governments, media, the private sector, and the local populace. **Department of Homeland Security, Federal Emergency Management Agency**

### **Operation of the National Response Structure On-Scene During Incidents of National Significance**

During an Incident of National Significance, an ICP and unified command would be established near the scene of the incident to manage emergency operations. The unified command would include representatives from agencies that have a primary role in the response. If more than one unified command and ICP needed to be established in the event of separate incidents occurring in the same general area, an area command may be formed to coordinate the efforts of all unified commands.

The unified command (or area command if established) would maintain communications with the State and Local Emergency Operations Center and the Joint Field Office (JFO), which provide support and coordination in identifying resource shortages and issues, gather and provide information, and implement decisions.

The JFO is the focal point for federal resource support. As appropriate, the JFO maintains connectivity with Federal elements in the ICP in support of State, local, and tribal efforts. Emergency support functions would be staffed in the JFO as needed.

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Some Incidents of National Significance may be managed primarily using regional resources. At the regional level, the Regional Response Coordination Center (RRCC) coordinates regional response efforts and implements local federal program support until a JFO is established.

The Homeland Security Operations Center (HSOC) serves as the primary national level multi-agency hub for domestic situational awareness and operational coordination. The HSOC includes DHS components, such as the National Infrastructure Coordinating Center (NICC), which has primary responsibility for coordinating communications with the nation's critical infrastructure during an incident.

The Interagency Incident Management Group (IIMG) is a tailored group of senior federal interagency experts who provide strategic advice to the Secretary of Homeland Security during an actual or potential Incident of National Significance.

JFO activities are coordinated by a JFO Coordination Group, which functions as a multi-agency coordination entity and works jointly to establish priorities (single or multiple incidents) and associated resource allocation, resolve agency policy issues, and provide strategic guidance to support Federal incident management activities.

A Principal Federal Official (PFO) may be designated by the Secretary of Homeland Security during a potential or actual Incident of National Significance. While individual federal officials retain their authorities pertaining to specific aspects of incident management, the PFO works in conjunction with these officials to coordinate overall federal incident management efforts.

The relationship between the unified command, the area commands, and other levels of the national response structure is shown in the NRP Organizational Structure diagram below. Actual staffing of these components will vary with the size and type of incident.

### **NRP Organizational Structure**

Figure 2 shows the NRP organizational structure at Federal, State and Local levels.

### Figure 2 Structure for NRP

The structure for NRP coordination is based on the NIMS construct: ICS/Unified Command on-scene support by an Area Command (if needed), multi-agency coordination centers, and multi-agency coordination entities.

#### Multi-agency Coordination Entity

- Strategic coordination
- Prioritization between incidents and associated resource allocation
- Focal point for issue resolution

#### EOCs / Multi-agency Coordination Centers

- Support and coordination
- Identifying resource shortages and issues
- Gathering and proving information
- Implementing multi-agency coordination entity decisions

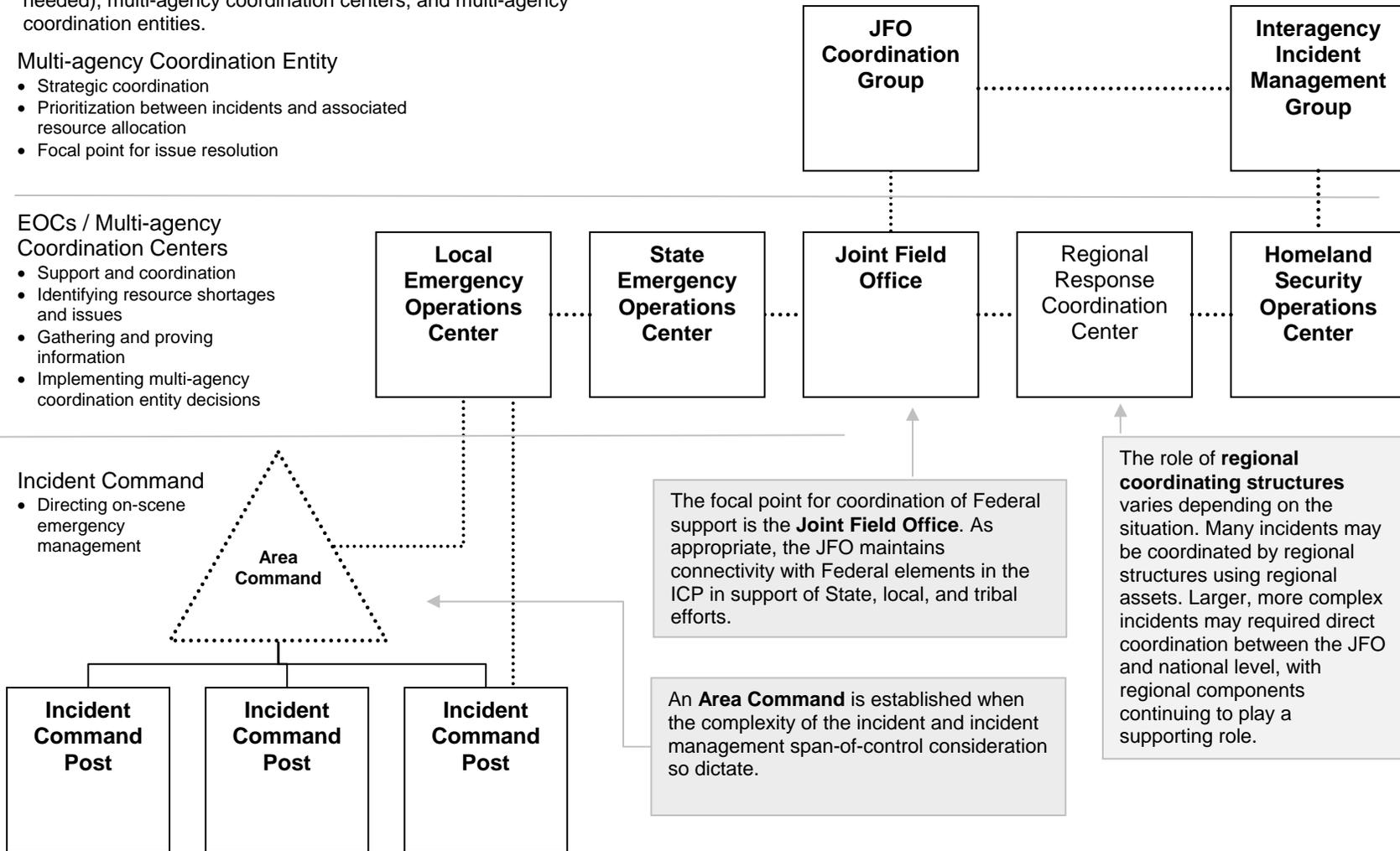
#### Incident Command

- Directing on-scene emergency management

Coordinating Structures

Command Structures

Field Level | Regional Level | National Level



The focal point for coordination of Federal support is the **Joint Field Office**. As appropriate, the JFO maintains connectivity with Federal elements in the ICP in support of State, local, and tribal efforts.

An **Area Command** is established when the complexity of the incident and incident management span-of-control consideration so dictate.

The role of **regional coordinating structures** varies depending on the situation. Many incidents may be coordinated by regional structures using regional assets. Larger, more complex incidents may require direct coordination between the JFO and national level, with regional components continuing to play a supporting role.

### 1470 The National Incident Management System (NIMS)

The Secretary of Homeland Security administers the National Incident Management System per HSPD-5. This system provides a consistent nationwide approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity. To provide for interoperability and compatibility among Federal, State, and local capabilities, the NIMS includes a core set of concepts, principles, terminology, and technologies covering the incident command system; multi-agency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources.

To provide strategic direction and oversight of the NIMS, the Secretary of Homeland Security established the NIMS Integration Center. The NIMS Integration Center is a multi-jurisdictional, multidisciplinary, entity made up of federal stakeholders, and over time, state, local and tribal incident management and first responder organizations. The center is situated at the Department of Homeland Security's Federal Emergency Management Agency (FEMA), Washington, DC. The NIMS Integration Center can be found on the web at: <http://www.fema.gov/nims/nims.shtm>

### 1480 Responsible Party Response

General. Under OPA 90, the responsible party has primary responsibility for cleanup of a discharge. The response shall be conducted in accordance with their applicable response plan. Section 4201(a) of OPA 90 states that an owner or operator of a tank vessel or facility participating in removal efforts shall act in accordance with the National Contingency Plan and the applicable response plan required. Section 4202 of OPA 90 states that these response plans shall:

- “( i ) be consistent with the requirements of the National Contingency Plan and Area Contingency Plans;
- ( ii ) identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to clause (iii );
- ( iii ) identify, and ensure by contract or other means approved by the President, the availability of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such discharge;
- ( iv ) describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or facility and to mitigate or prevent the discharge, or the substantial threat of a discharge;
- ( v ) be updated periodically; and
- ( vi ) be resubmitted for approval of each significant change.”

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Response Plans. Each owner or operator of a tank vessel or facility required by OPA 90 to submit a response plan shall do so in accordance with applicable regulations. Facility and tank vessel response plan regulations, including plan requirements, are located in 33 CFR Parts 154 and 155, respectively.

Oil Spill Liability. As defined in OPA 90, each responsible party for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Subsection (b) of Section 1002 of OPA 90. Any removal activity undertaken by a responsible party must be consistent with the provisions of the NCP, the Regional Contingency Plan (RCP), the Area Contingency Plan, and the applicable response plan required by OPA 90. If directed by the OSC at any time during removal activities, the responsible party must act accordingly.

Chemical Release Liability. Each responsible party for a vessel or facility from which a hazardous substance is released, or which poses a substantial threat of a discharge, is liable for removal costs as specified in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.).

### 1500 State/Local Response System & Doctrine

#### 1510 Connecticut State Response System

a. In the event of an oil spill or a hazardous material release within a community, the local fire department shall be immediately contacted and will, as provided by Connecticut General Statute (CGS) 7-317e, assume the role of Incident Commander. Immediate notification must also be made to the Department of Environmental Protection as required by CGS 22a-450. Under CGS 22a-449(a) the Department has the statutory responsibility to “cause such discharge, spillage, uncontrolled loss or seepage or filtration to be contained and remove otherwise mitigated by whatever method said commissioner considers best and most expedient under the circumstances”. To implement this responsibility the DEP Oil and Chemical Spill Response Division provides emergency response to mitigate and clean up hazardous material spills in Connecticut and coordinates response between the federal OSC and the local community incident commander as required by CGS 22a-453.

b. During a spill incident, the DEP provides an Emergency Response Coordinator (all ERC’s are certified hazardous material technicians) for the following services:

- 1) Incident mitigation for or with the local fire department and clean up using DEP-licensed contractors (CGS 22a-449);
- 2) Determine responsibility for the incident and secure a financial commitment from the responsible party for mitigation and cleanup costs;
- 3) Hire cleanup contractors and arrange for, or provide specialized equipment and technical personnel;

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- 4) Assist local on-scene personnel to identify hazardous materials, assess the health and safety hazards to the community, and control/mitigate the incident.
- 5) Coordinate the activities of all other state agencies, U.S. Environmental Protection Agency, and the U.S. Coast Guard (as outlined in CGS 22a-453, Executive Order 24, and the State Basic Emergency Management Plan) with the local fire chief/senior fire officer under the established incident command/unified command system (ICS/UC) as required by CGS 7-313e;
- 6) Provide the financial resources needed to mitigate the hazardous material emergency, and then recover the cost of mitigation and cleanup from the responsible party.

c. Incidents that are required to be reported by CGS 22a-450 are reported to the DEP Oil and Chemical Spill Response Division 24 HR EMERGENCY NUMBER: (860) 424-3338 OR BACKUP 24 HR EMERGENCY NUMBER: (860) 424-3333.

Incidents that are required to be reported by EPCRA (SARA TITLE III), CERCLA, RCRA, Federal Code of Regulations Title 40 (Environmental Protection) and/or Title 49 (Transportation) to the Connecticut State Emergency Response Commission are reported to the DEP Oil and Chemical Spill Response Division, 24 hr Emergency number (860) 424-3338 and the local community emergency coordinator. A report to the local fire department is also recommended (call 911 throughout Connecticut).

### **1520 New York State Response System**

- a. The New York State Department of Environmental Conservation has the responsibility to respond to occurrences of petroleum and hazardous substance incidents and to proceed with cleanup and removal operations in accordance with environmental priorities.
- b. New York State has established the New York Environmental Protection and Spill Compensation Fund to provide a source of funds for cleanup and removal operations and compensation of third party damages if liability for the discharge cannot be split.
- c. Local fire departments are responsible for responding to any fire hazards resulting from a spill of a combustible material.
- d. Nassau County Police share responsibility with all local fire departments for all hazardous material incidents in Nassau County as per Nassau County Title III Hazardous Materials Response Annex.

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### 1600 National Policy and Doctrine

#### 1610 Public vs. Private Resource Utilization

While it is the policy of the Commandant to mount an aggressive, timely, efficient response, the FOSC must be mindful that the use of government-owned equipment and resources is not to compete with the use of commercial resources.

Government resources should only be used under specific circumstances:

- For “first aid” spill response until contracted commercial resources arrive on-scene and are operating.
- When commercial resources are not available. This assumes that the RP, Qualified Individual, Incident Commander, or cleanup contractor has sought commercial resources but they are not available.
- Government resources can supplement commercial resources. Government resources are not to be used for the convenience of the responsible party.

#### 1620 Best Response Concept

The Area Committee for the Long Island Sound Area has adopted the “Best Response Concept” ([Figure 3](#)) as defined below.

**Best Response** depends on the best efforts of the three components of the National Response System.

- Companies - those responsible for producing, handling, storing, and transporting oil and hazardous materials, and for arranging for mitigation of an accidental discharge or release;
- Contractors - those who carry out response and cleanup in the event of a discharge or release; and
- Government - those federal, state, and local agencies with oversight responsibility for the safe handling of oil and hazardous materials and for ensuring protection of the public and the environment in the event of a discharge or release.

Each component must act responsibly, effectively, and cooperatively to accomplish the shared goal of minimizing the consequences of pollution incidents.

**Key Business Drivers** are the major categories within a Best Response model.

**Critical Success Factors** are the specific things that a response must accomplish to be successful. The critical success factors suggested here were compiled from expert-based surveys, which generated lists of things in a response that must go right. (Harrald, 1993; Walker, 1995). An oil spill response that achieves all or most of these factors will, according to the Best Response precepts, be judged a success.

### 1630 Cleanup Assessment Protocol

When spilled oil contaminates shoreline habitats, responders must survey the affected areas to determine the appropriate response. Although general approvals or decision tools for using shoreline cleanup methods can be developed during planning stages, responders' specific cleanup recommendations must utilize field data on shoreline habitats, type and degree of shoreline contamination, and spill-specific physical processes. Cleanup endpoints must be established early so that appropriate cleanup methods can be selected to meet the cleanup objectives. Shoreline surveys must be conducted systematically because they are crucial components of effective decisions. Also, repeated surveys are needed to monitor the effectiveness and effects of ongoing treatment methods (changes in shoreline oiling conditions, as well as natural recovery), so that the need for changes in methodology, additional treatment, or constraints can be evaluated.

The [Shoreline Cleanup Assessment Manual, August 2000](#), NOAA/HAZMAT outlines methods for conducting shoreline assessments. Shoreline assessment is a function conducted under the Planning Section of the Incident Command System (ICS).

NOAA's Shoreline Assessment Manual outlines methods you can use to plan and conduct shoreline assessment after an oil spill; you then can incorporate your assessment results into your decision-making process for shoreline cleanup. The [Shoreline Assessment Job Aid](#) is a supplement to the manual. It contains visual examples of many of the terms you would use during shoreline assessments.

### 1640 Dispersant Pre-Approval/Monitoring/Decision Protocol

For spill situations that are not addressed in the existing pre-authorization plan, the FOSC, with the concurrence of the EPA representative to the RRT and, as appropriate, the concurrence of the RRT representatives from the states with jurisdiction over the navigable waters threatened by the release or discharge, and in consultation with the Department of Commerce (DOC) and Department of Interior (DOI) natural resources trustees, when practicable, may authorize the use of dispersants, surface washing agents, surface collecting agents, bioremediation agents, or miscellaneous oil spill control agents on the oil discharge, provided that the products are listed on the [NCP Product Schedule](#). The [NCP Product Schedule Notebook](#) contains a compilation of Product Bulletins summarizing technical information and test results for those products listed on EPA's NCP Product Schedule.

**The FOSC may authorize the use of any dispersant, surface washing agent, surface collecting agent, other chemical agent, bioremediation agent, or miscellaneous oil spill control agent, including products not listed on the NCP Product Schedule, without obtaining the concurrence of the EPA representative to the RRT and as appropriate, the RRT representatives from the states with jurisdiction over the navigable waters threatened by the release or discharge, when, in the judgment of the FOSC, the use of the product is necessary to prevent or substantially reduce the hazard to human life.**

Whenever the FOSC authorizes the use of a product pursuant to the above paragraph, the FOSC is to inform the EPA RRT representative and as appropriate, the RRT representatives from the affected states and, when practicable, the DOC/DOI natural resources trustees of the use of a product, including products not on the Schedule, as soon as possible. Once the threat to human life has subsided, the continued use of the

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product shall be in accordance with the concurrence method as described above and 40 CFR 330.910. Sinking agents shall not be authorized for application to oil discharges.

A [MOU between USCG D1, US EPA REG II, US DOI, NOAA, NJ DEP, and NY DEC concerning the use of dispersants in COTP NY and COTP LIS zones](#) is in effect. This MOU is included in Appendix Section 9500 and provides preauthorization for the use of chemical countermeasures by the USCG On-Scene Coordinator in designated zones in the COTP-LIS and COTP-NY geographic areas of responsibility.

### **1650 In-situ Burn Approval/Monitoring/Decision Protocol**

The FOSC, with the concurrence of the EPA representative to the RRT and, as appropriate, the concurrence of the RRT representatives from the states with jurisdiction over the navigable waters threatened by the release or discharge, and in consultation with the DOC and DOI natural resources trustees, when practicable, may authorize the use of burning agents on a case-by-case basis.

The FOSC may authorize the use of any burning agent, including products not listed on the NCP Product Schedule, without obtaining the concurrence of the EPA representative to the RRT and as appropriate, the RRT representatives from the states with jurisdiction over the navigable waters threatened by the release or discharge, when, in the judgment of the FOSC, the use of the product is necessary to prevent or substantially reduce the hazard to human life. Whenever the FOSC authorizes the use of a product pursuant to this paragraph, the FOSC is to inform the EPA RRT representative and as appropriate, the RRT representatives from the affected states and, when practicable, the DOC/DOI natural resources trustees of the use of a product, including products not on the Schedule, as soon as possible. Once the threat to human life has subsided, the continued use of the product shall be in accordance with the concurrence method as described above and [40 CFR 300.910](#).

A [MOU between USCG D1, US EPA REG II, US DOI, NOAA, NJ DEP, and NY DEC concerning the use of In-Situ Burning in COTP NY and COTP LIS zones](#) is in effect. This MOU is included in Appendix Section 9500 and provides pre-authorization for the use of in-situ burning by the USCG On-Scene Coordinator in response to coastal oil discharges within the jurisdiction of the Region II Regional Response Team (RRT).

### **1660 Bioremediation Approval/Monitoring/Decision Protocol**

To Be Developed.

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### 1670 Fish and Wildlife Acts (Migratory Bird Act, Marine Mammal Act, Endangered Species Act, etc.)

#### 1670.1 Migratory Bird Act

A fairly large number of international treaties and domestic laws have been enacted that provide protection for migratory birds. To help put the legal authorities into perspective, we have categorized them as primary and secondary authorities. Primary authorities are international conventions and major domestic laws that focus primarily on migratory birds and their habitats. Secondary authorities are broad-based domestic environmental laws that provide ancillary but significant benefits to migratory birds and their habitats.

The following hyperlink is a [Guide to the Laws and Treaties of the United States for Protecting Migratory Birds USC – TITLE 16: CHAPTER 7 - PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS.](#)

#### 1670.2 Marine Mammal Act

The Act establishes a federal responsibility for the conservation of marine mammals, with management vested in the Department of Commerce for cetaceans and pinnipeds other than walrus. The Department of the Interior is responsible for all other marine mammals, including sea otter, walrus, polar bear, dugong and manatee. The Act generally assigns identical responsibilities to the Secretaries of the two departments.

[USC – TITLE 16: CHAPTER 31 – MARINE MAMMAL PROTECTION provides supporting detail on this subject](#)

#### 1670.3 Endangered Species Act

This act protects animal and plant species currently in danger of extinction (endangered) and those that may become endangered in the foreseeable future (threatened). The Endangered Species Act of 1973 (ESA) provides for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend, both through federal action and by encouraging the establishment of state programs. The act:

- Authorizes the determination and listing of species as endangered and threatened.
- Prohibits unauthorized taking, possession, sale, and transport of endangered species.
- Provides authority to acquire land for the conservation of listed species, using land and water conservation funds.
- Authorizes establishment of cooperative agreements and grants-in-aid to states that establish and maintain active and adequate programs for endangered and threatened wildlife and plants.
- Authorizes the assessment of civil and criminal penalties for violating the act or regulations.

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- Authorizes the payment of rewards to anyone furnishing information leading to arrest and conviction for any violation of the act.

The [Interagency Agreement Between the U.S. Fish and Wildlife Service and the U.S. Coast Guard for Participation in Pollution Incidents, signed 24 July 1979](#), specifies the conditions and procedures under which the U.S. Fish and Wildlife Service will provide the U.S. Coast Guard Federal On-Scene Coordinators with appropriate technical expertise as well as services in support of the Federal Government's efforts to control and clean up oil and hazardous chemical discharges.

### **Implementation of The Interagency Memorandum of Agreement for the Endangered Species Act**

The [Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act \(ESA\), July 2001](#) provides guidance for the roles and responsibilities of each agency during pre-spill planning, activities during a spill and post-spill activities (herein after referred to as the MOA), signed by the USCG, EPA, NOAA, DOI, USFWS, and NMFS, aligns the consultation requirements with the pollution response responsibilities outlined in the NCP, 40 CFR 300. The MOA is intended to be used at the Area Committee level primarily to identify and incorporate plans and procedures to protect listed species and designated critical habitat during spill planning and response activities.

A guidebook was developed for the MOA by the signatory agencies to further facilitate cooperation and understanding between the agencies involved in oil spill planning and response. This cooperation is highly successful when it is established before an incident occurs and should continue throughout an incident and the post-incident follow-up and review. By working proactively to identify the potential effects of spill response activities on species and their habitat, and then developing response plans and countermeasures, impacts to listed species and/or critical habitat can be reduced or avoided completely during an incident. Using the MOA guidebook, the following checklists were developed to assist FOSCs during Pre-Spill Planning, Emergency Response and Post Response activities.

Appendix Section 9730.18 of this plan is a stand-alone job aid and checklist for endangered species protection and consultation procedures that should be used during a response.

### **1670.4 Sustainable Fisheries Act/Magnuson Fisheries Conservation Act**

The Magnuson Fisheries Conservation Act was amended by the sustainable Fisheries Act to include a number of new mandates, and was subsequently re-named the Magnuson-Stevens Fishery Conservation Act (MSA) (16 USC 1801 et seq). The MSA established procedures designed to identify, conserve, and enhance essential fish habitat for those species regulated under a fisheries management plan

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(FMP). EFH is defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" and can include rivers, estuaries, bays and open ocean (out to 200 miles). Under Section 305(b)(2) of the MSA, Federal action agencies are required to consult with NOAA's National Marine Fisheries Service (NOAA Fisheries) on all actions, or proposed actions, authorized, funded or undertaken by the agency that may adversely affect EFH.

Appendix Section 9730.19 of this plan is a stand-alone job aid and checklist for essential fish habitat protection that should be used during a response.

### **1680 National Historic Preservation Act**

On October 15, 1966, Congress passed the National Historic Preservation Act (NHPA) to preserve the historical and cultural foundations of our Nation. Under Section 106 of NHPA, Federal agencies are required to consider the effects of their actions on historic properties and take steps to reduce or eliminate adverse effects.

The NCP does not provide specific guidance for taking historic properties into account during emergency response to an actual or threatened release of a hazardous substance, pollutant or contaminant or the discharge of oil or other pollutants (hereinafter, a release or spill). Also, emergency provisions contained in the regulations implementing Section 106 of the National Historic Preservation Act (NHPA) do not directly address requirements for such emergency responses. Accordingly, for the purpose of the [Programmatic Agreement on Protection of Historic Properties](#), an "emergency" shall be deemed to exist whenever circumstances dictate that a response action to a release or spill must be taken so expeditiously that normal consideration of the Section 106 process is not reasonably practicable.

The purpose of the [Programmatic Agreement on Protection of Historic Properties](#) is to provide an alternative process to ensure appropriate consideration of historic properties within the meaning of the NHPA during emergency response to a release or spill.

In carrying out duties under the NCP, including the priorities of protecting public health and safety, the FOSC may have to make emergency response decisions that adversely affect historic properties. By following the [Programmatic Agreement on Protection of Historic Properties](#), however, the FOSC will be making an informed decision that takes historic property information into account prior to authorizing actions that might affect such property.

The responsibility of the FOSC in protecting public health and safety is paramount. That mission is a difficult one involving problems that cannot be anticipated and calling for judgment on the part of the FOSC.

Appendix Section 9730.20 of this plan is a stand-alone section and checklist for the protection of historic properties that should be used during a response.

### **1690 Alternative Response Technical Evaluation System (ARTES)**

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ARTES is designed to provide the FOSC with a method for evaluating optional response countermeasures in advance or during an oil or chemical spill. A FOSC may use the ARTES for evaluating proposed conventional but unfamiliar countermeasures as well, such as alternative sorbents.

### **16100 Specialized Monitoring of Applied Response Technology (SMART)**

SMART establishes a monitoring system for rapid collection and reporting of real-time, scientifically based information, in order to assist the Unified Command with decision making during in-situ burning or dispersant operations. For more information about SMART see <http://www.uscg.mil/vrp/reg/smart.shtml>

### **16110 Policy for Removal and/or Destruction of a Vessel to Protect the Environment**

The current policy for Removal and/or Destruction of an abandoned vessel to protect the environment in the coastal zone is as follows. Policy in the inland zone is TBD.

Ref: (a) COMDTINST M16465.43

(b) COMDTINST M16000.14, Volume IX, Chapter 5.A.2.a.

(c) 33 USC 1321 Section 311 (c)(1)(iii)

The FOSC must make the initial determination of whether, in order to eliminate a threat of pollution, an abandoned vessel should be removed or destroyed, but only the Commandant of the Coast Guard (G-C) may authorize such actions. Before the FOSC requests Commandant approval to destroy an abandoned vessel, the FOSC should first make a concerted effort to find the owner of the vessel. In formulating a request to destroy or remove the abandoned vessel, the FOSC should attempt to define why the vessel poses a substantial threat to the environment. In order to do this, the FOSC should consider, at a minimum, the following factors:

- The threat of pollution that would be posed by any residual oil or hazardous substance that would remain on the abandoned vessel if cleanup operations were not to include disposal of the abandoned vessel. Consult with the affected state/federal natural resource agencies in reaching this determination.
- The historical record of the abandoned vessel as a site for illegal dumping and the substantial likelihood that the abandoned vessel will be a site for future illegal dumping.
- In accordance with the references above, when the FOSC determines that removal or destruction of the abandoned vessel is necessary to eliminate the pollution threat, the FOSC must submit a request for permission to remove or destroy the vessel to Commandant. The submission should include, at a minimum, the following information:
  1. Reference to the above listed Abandoned Vessel Destruction references
  2. A description of the abandoned vessel and its location.
  3. A brief recitation of the circumstances for requesting for the removal or disposal of the vessel (ex: illegal dumping site that has a discharge or substantial threat of discharge of oil or a hazardous substance into the environment).

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4. A description of any threats to the public health or welfare and environment (e.g. critical habitats or environmentally sensitive areas).
5. Are other waterway stakeholders involved in discussions regarding the vessel (e.g. Dept. of Natural Resources)?
6. A brief statement recognizing that the National Pollution Fund Center (NPFC) Regional Manager and/or Case Officer has been briefed on the situation and that the NPFC does not disagree that the use of the Oil Spill Liability Trust Fund (OSLTF) is appropriate for the removal and disposal of the vessel from it's present location.
7. Enclosures (Photographs, maps, graphs, etc...)

This request should receive District (m) and Area (m) endorsements prior to submission to G-MOR-3 for forwarding to G-C via G-M. G-MOR, G-MWP, G-LMI, and G-MO provide review of the submission for consistency prior to G-M submission to G-C. Pending G-C's formal written response to the request, G-MOR-3 will provide final status of the request in most expeditious manner back to the FOSC.

The U.S. Coast Guard may soon finalize its draft policy guidance, *CERCLA and CWA Vessel Removal Procedures and Coordination Between United States Cost Guard (CG) Federal On-Scene Coordinators (FOSC) and Natural Resource Trustees*. Coordination between FOSCs and the Department of the Interior and the National Oceanic and Atmospheric Administration is directly addressed in this policy guidance.

**1700 Reserved**

**1800 Reserved**

**1900 Reserved Area/District**