

## **Annex I: International Oil Spill Response**

### **1. PURPOSE**

This document was developed in response to the leasing of tracts for exploratory drilling in areas lying outside the U.S. Exclusive Economic Zone. Due to the proximity of these leases to the U.S. mainland and the flow of major ocean currents a discharge from these operations could pose a substantial threat to the public health or welfare of the United States. This Annex describes the roles and responsibilities of Regional Response Team (RRT) IV member agencies and the general pattern of response required to remove, mitigate, or prevent a substantial threat or an actual discharge from a foreign source.

This Annex is intended to work in partnership with:

- National Contingency Plan
- Regional Contingency Plan
- Area Contingency Plans
- Regional Response Team Guidance and Authorization Plans
- International Offshore Drilling Response Plan
- Caribbean Oil Pollution Response Cooperation Plan
- Oil Spill Response Plans
- State and Local Response Plans

### **2. GENERAL PATTERN OF RESPONSE**

- A. The RRT's expectation is that the Federal On Scene Coordinator (FOSC) closest to the source of the discharge will be responsible for determining the threat posed to the public health or welfare of the United States or the environment, the type and quantity of the polluting material and the source of the discharge. The FOSC must officially classify the size and type of the discharge and determine a course of action to be followed as outlined in 40 CFR 300.320. These actions should also include NOAA conducting modeling of the spill trajectory to determine potential impacts.
- B. If the discharge exceeds 100,000 gallons then an incident specific RRT will be activated and/or if other conditions are met as outlined in 40 CFR 300.115(j) An RRT activation shall include the affected States. Given the anticipated heightened political sensitivities and/or a high level of community and media interest, activation of the RRT may be appropriate even when the volume of oil released is less than 100,000 gallons. The RRT chair for the incident will determine the appropriate level of activation for the incident. RRT members from areas outside of Region 4 will be

invited to participate, for awareness purposes, based on potential impact. The RRT will be activated upon the request of any standing RRT member.

- C. If the discharge has the potential to cross RRT boundaries, COTP zones or state boundaries then an incident specific RRT will be activated.
- D. If the discharge has the potential to cross RRT boundaries or response operations are planned or anticipated within adjacent RRT boundaries; ensure neighboring RRTs are included in conference calls and briefings. Ensure NRT is notified.
- E. RRT Activities

The incident-specific RRT supports the designated FOSC in response to a discharge. RRT support activities may include:

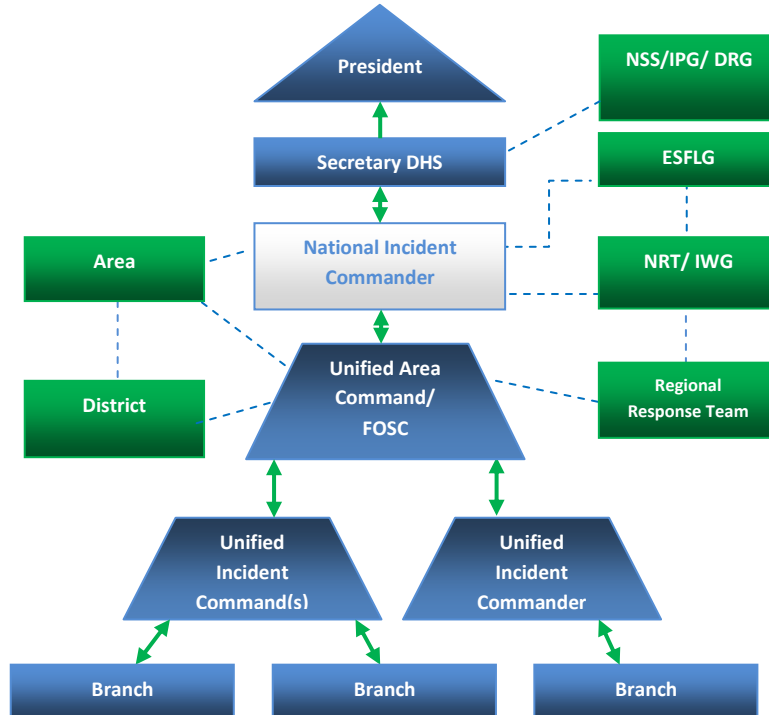
- a. Notification Procedures (Adjacent RRTs, NRT)
- b. Review Response Organization and Objectives
- c. Review trajectory and over-flight information
- d. Address interagency resources requests from Unified Command (UC)
- e. Review resources at risk and protection priorities
- f. Review requests for use of countermeasures.
- g. Establish regular RRT updates and briefings
- h. Other activities as requested by the FOSC
- i. Assist in reviewing UC & AC response plans

### **3. UNIFIED AREA COMMAND RESPONSE**

- A. In the event of a catastrophic discharge from foreign waters, the U.S. Government may determine that a response is required in accordance with the National Contingency Plan and would establish a Unified Area Command if determined necessary using the National Incident Management System. Based on the high visibility and potentially significant impact, the spill would likely be declared a Spill of National Significance (SONS) and a National Incident Command (NIC) structure established. A discharge may be determined to be a SONS based on its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response effort, that is so complex that it requires extraordinary coordination of Federal, State, local, and cooperating international resources to contain and clean up. For a SONS in the coastal zone, the Coast Guard Commandant may name a NIC who will assume the role of FOSC in communicating with affected parties and the public, and coordinate Federal, State, local, and international resources at the national level. This strategic coordination will involve,

as appropriate, the NRT, RRTs, Governors of affected states or potentially affected states, and mayors or other chief executives of local governments.

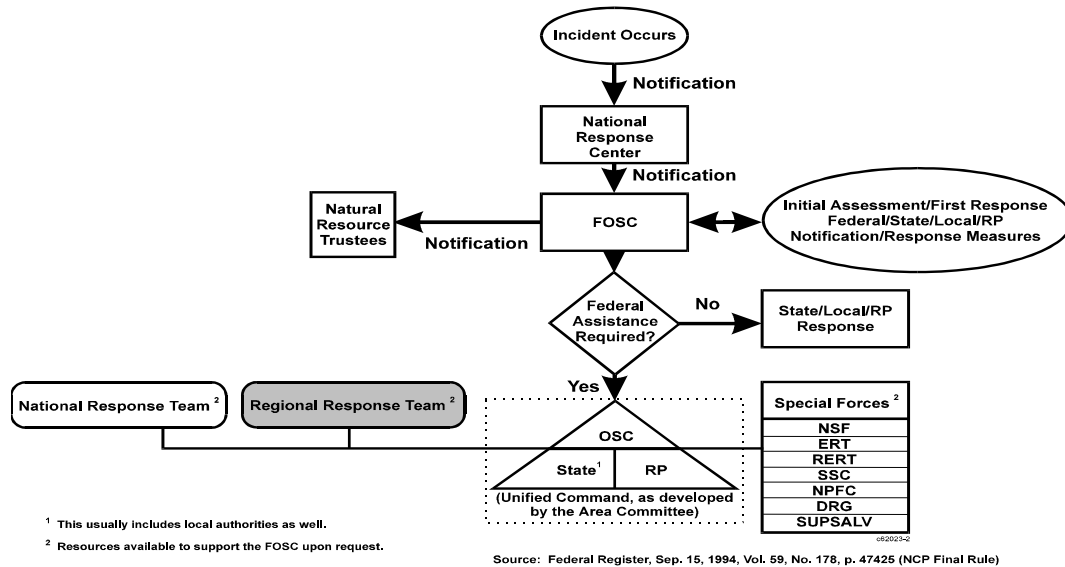
### The NIC Role During a SONS Response



**(Dotted lines indicate support/advice; solid arrows indicate command, coordination and awareness)**

- B. An Area Command will be located in the most appropriate location as determined by the Area Commander. Local Incident Command Posts will be established as appropriate, potentially in the Florida Keys, Miami, Jacksonville, Charleston, and other locations as needed. Each Branch operates under their own Area Contingency Plan (ACP) which has been developed and preapproved by key stakeholders under the National Contingency Plan and members of the Area Committees as delineated

by Title 40 Code of Federal Regulation, Part 300.140 as depicted below.



- C. The UAC will develop a list of actions needed to be carried out by the responsible party/foreign entity in order to control or end the discharge.
- D. The UAC will develop priorities for the response considering input provided by the RRT and in accordance with Regional Contingency Plans.
- E. The UAC will ensure representation at a State Emergency Operations Center if requested to ensure information sharing and coordination between the Federal & State response agencies.
- F. If a NIC is not established, international representatives may be invited to participate in the UAC.

#### **4. Funding**

- A. In response to a substantial threat of a discharge or actual discharge of oil reaching U.S. waters, the FOSC can take similar response actions as he/she would have if the spill occurred within the U.S.:
- B. The FOSC can:
  - a. Open a Federal Project Number (FPN) in CANAPS (maximum up to \$500K) to:

- i. Hire BOA contractors via SILC
- ii. Use Pollution Removal Funding Authorizations (PRFA's) to fund removal actions with local (City or County), state and federal agencies.
- iii. Fund Military Interdepartmental Purchase Request (MIPR) via SILC to acquire DOD assets and personnel.
- iv. Utilize FPN assigned line of accounting (LOA) to fund travel and purchases for CG personnel

C. The NPFC will:

- a. Monitor FPN issued for ceiling increases, daily burn rates, etc.
- b. Assist FOSC with ceiling increases beyond \$500K
- c. **When requested by the FOSC**, utilize the FPN LOA to dispatch a case officer to the ICP or UAC to assist with ceiling management, (PRFA's), and "use of fund" issues.
- d. As PRFA's are being requested, case officer will work directly with the FOSC to explain the request and to answer any questions the FOSC may have.
- e. As the subject matter expert (SME) for OSLTF issues, the NPFC case officer will co-locate in the Finance Section in order to manage "use of the fund" issues, oversee ceiling management, and to answer any data queries from NPFC/FOSC.
- f. Assist FOSC with "appropriate use of the fund" issues.
- g. Work with SILC on BOA's and MIPR's and assist them with "appropriate use of the fund" issues.
- h. Claims and Natural Resource Damage divisions will monitor claims issues and review POLREPS as needed.
- i. Command Duty Officer is on call 24/7 and can be contacted via the NRC and can answer questions after hours and on weekends.
- j. Regional Manager for D7's AOR can be contacted at 202/493-6726.

D. Should the response grow into a full SONS event, the NPFC may, depending on the circumstances:

- a. A case officer (GS-13) will be dispatched to each ICP.
- b. A minimum of two senior (GS-14) case managers will be assigned to the UAC
- c. One senior (GS-15) NPFC person will be assigned to the NIC
- d. NPFC personnel at the ICP's and NIC will perform the same tasks as identified above at each location.
- e. Rotation of NPFC individuals will be assigned by NPFC.
- f. Orders for NPFC personnel will be issued by NPFC using the FPN LOA.

E. The NPFC cannot serve as section chief for a variety of reason, not the least of which is separation of duties associated with cost recovery and the potential for future litigation.. The NPFC has many appropriation law and accounting equities that must be managed throughout a major event and isn't in a position to assume the administration and work task assignment and follow roles required of a section chief. The case officers will assist the FSC with management and funding issues if necessary, but the primary purpose of

the case officer is as a representative of NPFC and as the FOSC's SME for funding issues.

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NOTE: There a number of unresolved issues associated with claims associated with a spill from a Foreign Offshore Unit. These issues are being worked by NPFC, CG-0941, and DOJ. In the meantime, NPFC has lead for questions related to claims for any spill. The NPFC Claims Hotline is **800/280-7118**).

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