

# SENSITIVE RECEPTORS AND CLEANUP CONSTRAINTS



**PROTECTING NATURAL AND CULTURAL  
RESOURCES FROM RESPONSE ACTIVITIES**

# What do we mean by Sensitive Receptors?



Threatened or Endangered Species –  
ie Cave Salamander



Critical Habitat – ie salmon spawning area



Cultural or Historic Resources – ie shell middens

Why do we care about sensitive receptors?

What does this have to do with SCAT?



# Who identifies sensitive receptors?

## Area Contingency Plans

## Trustees and Local Experts

- Department of Interior
- Fish and Wildlife Service
- Nat'l Marine Fisheries Service
- State/Tribal Historic Preservation Officer
- Land Managers
- Local biologists



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# Sources of Trustee Authority

- Endangered Species Act (ESA)
  - National Historic Preservation Act (NHPA)
  - Native American Graves Protection and Repatriation Act (NAGPRA)
  - Archaeological Resources Protection Act (ARPA)
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- What does a SCAT Team Member need to know?

# The Endangered Species Act (ESA)

- ESA provides protection for listed species and their designated critical habitats.
- Section 9 of the ESA prohibits “take” of individual animals or adverse modification or destruction of critical habitat.
- Take is defined in statute as: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.



# Section 7 of the ESA

- Federal agencies must ensure that their actions don't jeopardize the continued existence of listed species or destroy critical habitat.
- Action is defined as "...all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas."
- Federal agencies shall conduct interagency consultation, (aka Section 7 consultation), with the Services either formally or informally on any action that may affect listed species.



# What ESA Section 7 means to SCAT

- May need to include Section 7 consultation input/BMPs in preparation of STRs
- May require special agency field monitors during Operations to document compliance (or not) with BMPs
- May require special agency field monitors with SCAT teams
- May need to document SCAT compliance with SCAT-related BMPs





# BMPs for SCAT: From Silvertip

## **Environmentally Sensitive Areas and Wildlife Issues**

Nesting birds will be avoided within a distance in which adult birds will flee the nest. If SCAT teams find themselves within a colony of nesting birds, they will try to safely leave the area as quickly as possible. Teams will contact USFWS or Wildlife Branch Director before entering a nesting area.

In addition to collecting shoreline oiling information the SCAT teams will report information regarding oiled and deceased wildlife that are observed. Dead wildlife and other areas of interest will be noted with GPS positions. Teams will not be collecting live or deceased wildlife. Any wildlife issues will be reported to Wildlife Hotline at **1-800-259-0596**.

## BMP's Traveling to and from sites and Traveling at a Site

Y		BMP 53	Watch for and avoid collisions with wildlife (marine mammals, gulf sturgeon, sea turtles) while boating. Where possible, all vessels (except airboats) should operate at "no wake/idle" speed at all times while in water where the draft of the vessel provides less than a four-foot clearance from the bottom to help avoid wildlife collisions. All vessels shall follow deep-water routes whenever possible.
Y		BMP 54	Land or stage boats to avoid crushing the vegetation or the marsh platform/soils.
Y		BMP 55	Avoid scouring and prop-scarring submerged aquatic vegetation.
Y		BMP 56	April through September. All UTVs and vessels shall be controlled to minimize noise and speed. If Air Boats are necessary, a distance of 1000 feet should be maintained from active rookeries and bird nesting colonies (as marked in the Environmental Viewer).
Y		BMP 57	Watch for and avoid collisions with wildlife while driving on the beach/shoreline. Some bird species like to hide in depressions in the sand. These species are often colored like the sand and are hard to see. Drive slowly (5 to 10 mph) and be mindful of your surroundings.
Y		BMP 58	Walk or use only UTVs or Gator type vehicles for traveling on the beach.
Y		BMP 59	Use existing travel corridors. Utilize existing access/egress areas and roadways. UTVs should remain within the established travel path when possible, to minimize beach topographic alterations.
Y		BMP 60	On beaches, avoid walking or driving in the wrack line (i.e., the line of organic debris deposited every day by the tides). Birds like to rest and feed in the wrack on beaches and are hard to see. In marsh areas, you may walk on the main established wrack line (avoiding any potential wildlife using the wrack).

# ESA Section 7- SCAT Summary

- Consultation under Section 7 is a federal requirement, so ask up the chain what the outcome of the ESA Consultation was.
- SCAT team members need to know their responsibilities to protect ESA-listed species during “all parts and phases of the response” including SCAT surveys



# NATIONAL HISTORIC PRESERVATION ACT

- Section 106 of this act requires Federal agencies to take into account the effects of their undertakings on historic properties that are listed in, **or eligible for**, inclusion in the National Register of Historic Places (NRHP).
- Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency – including those carried out by or on behalf of a Federal agency.
- The U. S. Environmental Protection Agency is the lead Federal agency for Inland Oil Spill response. Clean-up operations are part of a Federal undertaking.



# COMPLIANCE WITH NHPA

## HISTORIC PROPERTIES

- Historic Property - Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register; such items include artifacts, records, and remains which are related to the district, site, building, structure, or object.



# COMPLIANCE WITH SECTION 106

## ELIGIBILITY AND ADVERSE EFFECTS

- The lead agency must determine whether or not NRHP- eligible Historic Properties are present within the area of the undertaking (response). This is done by consulting with trustees and experts.
- If Historic Properties are present, the lead agency, the SHPO, and other stakeholders reach an agreement on how the adverse effects on Historic Properties will be addressed. This could include avoidance, monitoring, mitigation, or some other procedure.



# Native American Graves Protection and Repatriation Act (NAGPRA)

- The Act requires federal agencies and institutions that receive federal funding<sup>[1]</sup> to return Native American "cultural items" to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations.
- Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony.

**If you see bones/remains that may be human, or cultural artifacts stop work and report it up the chain immediately.**

# Archaeological Resources Protection Act (ARPA)

- Governs the excavation of archaeological sites on federal and Indian lands in the United States, and the removal and disposition of archaeological collections from those sites.

**If you see bones/remains that may be human, or cultural artifacts stop work and report it up the chain immediately.**



# Sensitive Resource Considerations as part of SCAT

## Initial Response

- FOSC initiates emergency consultation
- Trustees/ SHPOs/THPOs determine presence/absence of protected resources

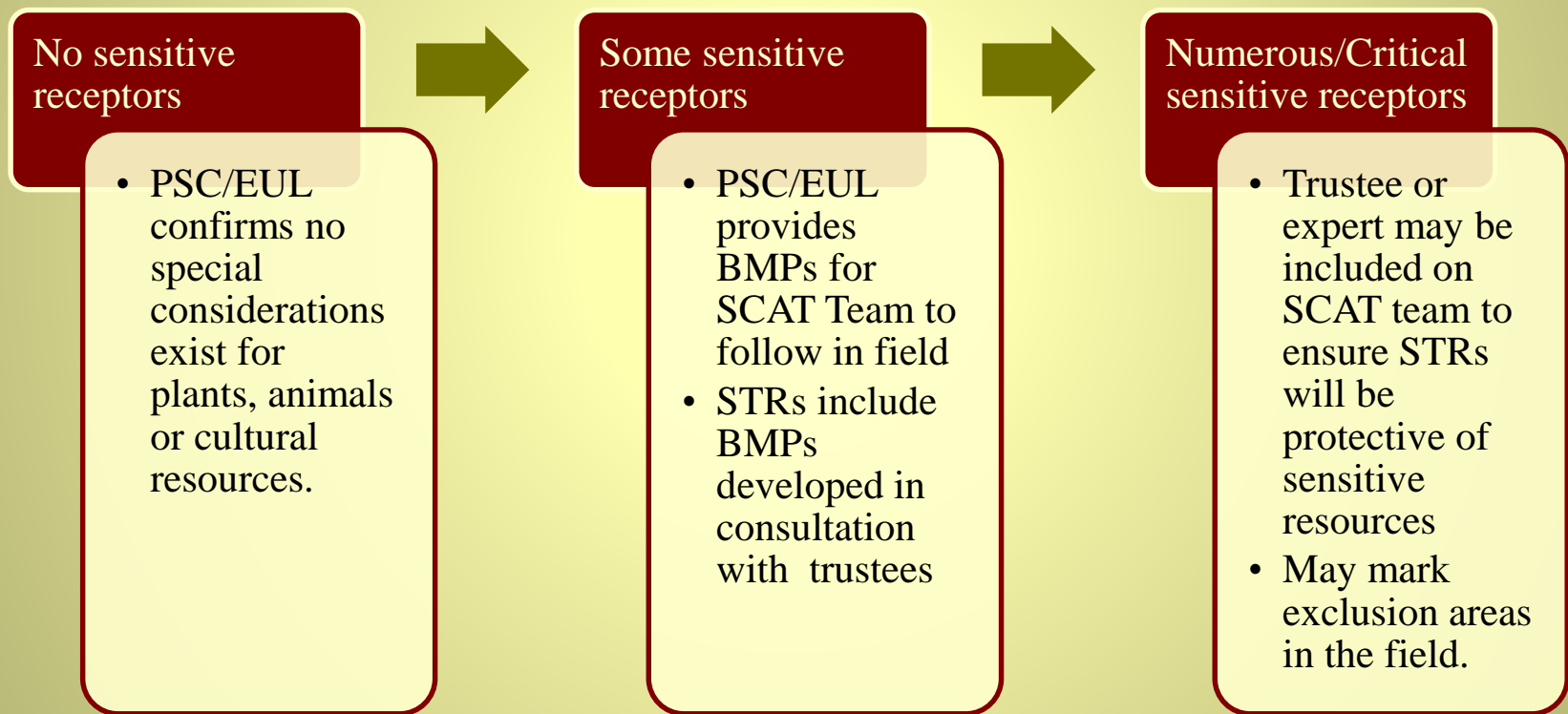
## Development of STRs

- If needed, BMPs are included in STRs
- Some areas may need specific STRs to address protected resources.
- BMPs are developed in ICP, not by SCAT Teams

## Assessment of Operations

- When cleanup methods are assessed, compliance with BMPs will be included

# Range of Trustee involvement in SCAT Team





**QUESTIONS?**