

ANNEX K: APPLICABLE MEMORANDA OF UNDERSTANDING AND AGREEMENT

The following documents represent existing agreements between response agencies at the Federal and State level. Additionally, local response agreements are currently under negotiation between the Alaska Department of Environmental Conservation and specific local communities (see Annex E, Appendix I for a summary of in-place local response agreements between the ADEC and local communities in Alaska).

Copies of the below documents are available and hyperlinked on the Unified Plan Change 3 compact disc. The MOUs/MOAs are also on the ADEC website at <http://www.dec.state.ak.us/spar/perp/plans/uc/mou>.

- a. **[Memorandum of Agreement on Oil and Hazardous Substance Pollution Prevention and Response Between the Commander, Seventeenth Coast Guard District and the State of Alaska \(June 2009\)](#)**. This MOA outlines procedures for coordination and cooperation between the State of Alaska and the Coast Guard Seventeenth District in regards to implementing and exercising their statutory and regulatory duties related to oil spill planning, prevention, and response.
- b. **[Memorandum of Understanding Among the Secretary of the Interior, Secretary of Transportation, and Administrator of the Environmental Protection Agency \(February 1994\)](#)**. This MOU establishes the jurisdictional responsibilities for offshore facilities (including pipelines), and outlines the basic responsibilities of the parties concerned with regard to spill prevention and control, response planning, and equipment inspection activities.
- c. **[Memorandum of Understanding between the Department of the Interior \(U.S. Geological Survey\) and the Department of Transportation \(U.S. Coast Guard\) \(August 1971\)](#)**. This MOU outlines the responsibilities of the USGS and USCG in regards to source abatement and the containment and removal of pollutants, respectively. The MOU pertains to responsibilities outlined in the National Oil and Hazardous Substances Pollution Contingency Plan, the Outer Continental Shelf Lands Act, and the Submerged Lands Act.
- d. **[Memorandum of Understanding between the Alaska Pipeline Office and the Seventeenth Coast Guard District \(October 1978\)](#)** clarifying roles and responsibilities. The APO will perform as the FOSC for all TAPS related oil spills that enter or threaten inland waters, and the USCG will be the FOSC for all spills that enter coastal waters. Specific geographic response boundaries are included.
- e. **[Memorandum of Understanding between the U.S. Environmental Protection Agency \(Alaska Operations Office\) and the U.S. Coast Guard Seventeenth Coast Guard District Concerning FOSC Response Boundaries for Oil Discharges and Hazardous Substance Releases \(Dec 1994\)](#)**. This MOU establishes the emergency response boundaries for Coast Guard and EPA Federal On-Scene Coordinators (FOSCs) for response to oil discharges and hazardous substance releases in Alaska. Thirty-five chartlets of Western Alaska were included as enclosures to the MOU, but have been removed from the MOU contained in this Annex. Contact the USCG, Seventeenth District (Marine Environmental Protection Branch) for copies of the chartlets.

- f. [Memorandum of Understanding between the Alaska Department of Environmental Conservation and the United States Department of the Interior/Alaska Pipeline Office \(December 1978\).](#) This MOU outlines responsibilities for pipeline-related oil spills and other pollutants. ADEC will basically perform in an advisory role to the Alaska Pipeline Office and function as a clearinghouse for other State agencies.
- g. [Memorandum of Agreement between the Alaska Department of Environmental Conservation \(Division of Spill Prevention and Response\) and the Alaska Department of Military and Veterans Affairs \(Division of Emergency Services\) \(January 1992\).](#) This MOA highlights response and planning roles and responsibilities for each agency during declared disaster emergency situations and non-declared events.
- h. [Memorandum of Understanding between the Alaska Departments of Health and Social Services, Military and Veterans Affairs, Environmental Conservation, and Labor \(September 1982\)](#) concerning emergency response to peacetime radiation incidents and accidents. This MOU outlines specific agency roles and responsibilities during a peacetime radiological accident/incident.
- i. [Oil Spill Memorandum of Cooperation between the Province of British Columbia, the State of Washington, the State of Oregon, and the State of Alaska \(June 1989\).](#) This memorandum outlines a cooperative effort amongst the signatory agencies to reduce the potential for major oil spills through development of a joint emergency response plan, technology sharing, joint exercises and training, and committee reviews of prevention and response procedures.
- j. [Memorandum of Agreement between the Alyeska Pipeline Service Company and the U.S. Coast Guard, Seventeenth Coast Guard District Concerning the Application of Chemical Dispersants for Oil Spill Response \(December 1994\).](#) This MOA expands the capability of applying dispersants to oils spills in Alaska waters through the joint utilization of Alyeska Pipeline Service Company (APSC) and the Seventeenth Coast Guard District (USCG) personnel and equipment (to include the use of USCG aircraft, and APSC oil dispersants and application equipment).
- k. [Memorandum of Understanding Between the United States Environmental Protection Agency and the United States Department of the Interior, Bureau of Land Management \(May 1994\).](#) This MOU clarifies roles and responsibilities regarding preparedness and response to an Inland Zone Oil Discharge from the Trans-Alaska Pipeline System.
- l. [Memorandum of Understanding Between the Regional Director of the Minerals Management Service Alaska OCS Region and the Assistant Regional Administrator of the U.S. Environmental Protection Agency, Region X, Alaska Operations Office \(July 1994\).](#) This MOU establishes Minerals Management Service (MMS) responsibility for offshore oil facilities located in Cook Inlet, Alaska, as authorized in the MOU between the Secretary of the Interior, Secretary of Transportation, and the Administrator of the Environmental Protection Agency, dated February 3, 1994, regarding division of Agency jurisdictional responsibilities for spill prevention and control, response planning, and equipment inspection activities under the Oil Pollution Act of 1990 (OPA 90).

- m. [Letter of Agreement Between the Minerals Management Service, Alaska Outer Continental Shelf Region, and the Alaska Department of Environmental Conservation Regarding Pollution Prevention and Response Preparedness for Oil and Gas Facilities on Alaska Submerged Lands \(October 2005\).](#) This Letter of Agreement was entered into by the parties concerned for the purpose of coordinating and implementing requirements with respect to oil spill prevention and response preparedness for offshore oil and gas facilities and pipelines on State of Alaska submerged lands and offshore areas which demonstrate a likelihood of affecting State waters in the event of a catastrophic spill.
- n. [Memorandum of Understanding on Oil and Hazardous Substance Pollution Prevention and Response Between the U.S. Environmental Protection Agency \(Region X\) and the State of Alaska Department of Environmental Conservation \(July 1997\).](#) This MOU outlines procedures for coordination and cooperation between the State of Alaska and the EPA (Region X) with regard to implementing and exercising their statutory and regulatory duties related to oil spill planning, prevention, and response.
- o. [States/British Columbia Oil Spill Task Force Mutual Aid Agreement \(January 1996\).](#) The purpose of this agreement is to set specified conditions whereby certain contingency plan holders may be allowed to meet temporarily reduced response standards in order that their response equipment may be available for mutual aid. This agreement assures that most of the spill response equipment on the West Coast will be available to respond rapidly in the event of a major spill.
- p. [Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Concerning Cooperation in Combating Pollution in the Bering and Chukchi Seas in Emergency Situations \(May 1989\).](#)
- q. [Memorandum of Agreement Between the Alaska Department of Environmental Conservation and the Alaska Department of Transportation and Public Facilities \(June 1994\).](#) The purpose of this agreement is to address unknown third party hazardous substance contamination on State property under the jurisdiction of DOT/PF.
- r. [Local Response Agreement Between the Alaska Department of Environmental Conservation and the Fairbanks North Star Borough \(FNSB\) \(June 1996\).](#) The purpose of this agreement is to facilitate coordinated and effective oil and hazardous substance release responses within the State, and provide for reimbursement by the ADEC for actual costs, other than normal operating expenses, incurred by the Borough in the abatement of a release or threatened release of oil or a hazardous substance as authorized under State law. Under this agreement, the ADEC State On-Scene Coordinator can request the services of the Fairbanks Hazardous Materials (Hazmat) for response to a Hazmat incident (including incidents which may occur beyond the jurisdictional boundaries of the Borough).
- s. [Local Response Agreement Between the Alaska Department of Environmental Conservation and the Municipality of Anchorage \(MOA\) \(April 1998\).](#) The purpose of this agreement is to facilitate coordinated and effective oil and hazardous substance release responses within the State, and provide for reimbursement by the ADEC for actual costs, other than normal operating expenses, incurred by the MOA in the

abatement of a release or threatened release of oil or a hazardous substance as authorized under State law. Under this agreement, the ADEC State On-Scene Coordinator can request the services of the MOA Hazardous Materials (Hazmat) for response to a Hazmat incident (including incidents which may occur beyond the jurisdictional boundaries of the municipality).

- t. [Memorandum of Agreement Between Minerals Management Service \(U.S. Department of the Interior\) and United States Coast Guard \(U.S. Department of Homeland Security\) \(September 2004\).](#) The purpose of this agreement is to identify responsibilities of the Minerals Management Service (MMS) and the U.S. Coast Guard (USCG) for systems and sub-systems on mobile offshore drilling units (MODUs), and fixed and floating offshore facilities, and understandings related to civil penalties, accident investigations, and oil spill planning, preparedness, and response.
- u. [Memorandum of Understanding Between Minerals Management Service \(U.S. Department of the Interior\) and United States Coast Guard \(U.S. Department of Homeland Security\) \(September 2004\).](#) This memorandum of understanding is designed to promote interagency consistency in the regulation of Outer Continental Shelf (OCS) activities and facilities under the jurisdiction of the Minerals Management Service (MMS) and the U.S. Coast Guard., minimize duplication of effort, and aid the participating agencies in the successful completion of their assigned missions and responsibilities.
- v. [Memorandum of Agreement Between the Alaska Department of Transportation and Public Facilities and the Alaska Department of Environmental Conservation \(October 1998\).](#) This memorandum of agreement outlines the process for accessing and using Alaska Marine Highway System vessels (State ferries) in support of oil spill cleanup activities and operations.
- w. [Use Agreement Between the Alaska Department of Fish and Game and the Alaska Department of Environmental Conservation \(October 1998\).](#) This use agreement outlines the process for accessing and using Alaska Department of Fish and Game vessels in support of oil spill cleanup activities and operations.
- x. [Executive Council Agreement to Support the State-Federal Joint Pipeline Office \(2008\).](#) The agreement calls for the signatory agencies to work cooperatively to provide for efficient and comprehensive monitoring and oversight; provide for coordinated decision making within the JPO; develop interagency approaches to oversight of the Trans Alaska Pipeline System in addition to petroleum and natural gas pipelines jurisdictions to ADNR, BLM, and U.S. Department of Transportation (USDOT); work cooperatively to achieve pipeline system integrity, public safety, and environmental protection; share information to minimize gaps and overlaps in conducting pipeline monitoring activities; oversee system reliability to achieve continuity of transportation services; and provide for coordinated consistent external communications.
- y. [Inter-Agency 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 \(2001\).](#) This agreement, which was approved by the U.S. Coast Guard, Environmental Protection Agency, U.S. Department of the Interior (Office of

Environmental Policy and Compliance and U.S. Fish and Wildlife Service), and National Oceanic and Atmospheric Administration (National Marine Fisheries Service and National Ocean Service), is used to identify and incorporate plans and procedures to protect listed species and designated critical habitat during spill planning and response activities.

- z.** [Memorandum of Agreement Establishing an Operating Agreement for the Joint Pipeline Office \(2008\)](#). The agreement calls for the signatory agencies to provide coordinated State and Federal permitting, monitoring, enforcement, and preparedness planning activities on the Trans Alaska Pipeline System and other petroleum and natural gas pipelines. The Agreement encourages an intergovernmental relationship that will coordinate interagency action in regulating and overseeing pipelines pursuant to each agency's authorities and regulations.
- aa.** [Memorandum of Understanding to Coordinate Criminal Investigation, Enforcement, and Environmental Response \(2004\)](#). The purpose of this MOU is to facilitate activities under the NCP, CERCLA, the CWA, and other authorities as defined in the agreement to affirm that environmental responders and investigative/enforcement personnel are able to discharge their respective duties consistent with the priorities and authorities identified in the MOU. Signatory agencies and departments agree to incorporate this MOU as appropriate, into Area Contingency Plans (ACPs), Incident Command System/Unified Command or other response systems management documents guidance and training.

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