

The SHPO/OHA Role in Spill Response



CULTURAL RESOURCE PROTECTION PRIORITIES

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Who We Are



- **State Historic Preservation Office (SHPO) (federal)**
- **AK Office of History and Archaeology (OHA) (state)**
- **<http://dnr.alaska.gov/parks/oha/index.htm>**

Oil Spill Programmatic Agreements

National Programmatic Agreement

<http://dnr.alaska.gov/parks/oha/oilspill/nationalpa.pdf>

PROGRAMMATIC AGREEMENT ON
PROTECTION OF HISTORIC PROPERTIES
DURING EMERGENCY RESPONSE UNDER THE
NATIONAL OIL AND HAZARDOUS SUBSTANCES
POLLUTION CONTINGENCY PLAN

I. PURPOSE

- A. The signatory Federal Departments and Agencies enter into this Programmatic Agreement (PA) to ensure that historic properties are taken into account in their planning for and conduct of the emergency response under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 49 CFR Part 300. The National Conference of State Historic Preservation Officers (NCSHPO) is also a signatory, on behalf of State Historic Preservation Officers (SHPOs), to facilitate federal agency ability to develop and execute a uniform nationwide approach for considering and treating historic properties before and during emergency response. In the event an individual SHPO is unable to respond, the Agency or Department may contact the NCSHPO or the Advisory Council on Historic Preservation (ACHP) to consider alternatives and receive assistance. The signatories agree that their Departments/Agencies will follow this PA or, to meet regional needs, develop regional PAs that are not inconsistent with this PA and the National Historic Preservation Act of 1966, as amended (NHPA), P.L. 89-665, 16 U.S.C. § 470 *et seq.*, and the regulations promulgated thereto.
- B. 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 NHPA do not directly address requirements for such emergency responses. Accordingly, for the purpose of this PA, 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.
- C. The purpose of this PA 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. This PA does not address the consultation procedures under Section 106 of the NHPA once that phase of the response action has ended.
- D. In carrying out duties under the NCP, including the priorities of protecting public health and safety, the federal On-Scene Coordinator (OSC) may have to make emergency response decisions that adversely affect historic properties. By following this PA, however, the federal OSC will be making an informed

State Programmatic Agreement

<http://dnr.alaska.gov/parks/oha/oilspill/akimplementationguidelines.pdf>

ALASKA IMPLEMENTATION GUIDELINES
FOR FEDERAL ON-SCENE COORDINATORS

FOR THE

PROGRAMMATIC AGREEMENT ON PROTECTION OF
HISTORIC PROPERTIES DURING EMERGENCY RESPONSE
UNDER THE NATIONAL OIL AND HAZARDOUS
SUBSTANCES POLLUTION CONTINGENCY PLAN

U.S. Coast Guard
U.S. Environmental Protection Agency
U.S. Department of the Interior
U.S. Department of Agriculture
Alaska Department of Natural Resources
Alaska Inter-Tribal Council

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The SHPO/OHA Role in Spill Response



- **Provide guidance on Historic Properties to Unified Command as member of Resources Group.**
 - Advise on avoiding or minimizing spill cleanup impact to Historic Properties.
 - Providing information from a statewide database on Historic Properties, the Alaska Heritage Resources Survey

Alaska Historic Resources Survey (AHRs) Database



- Database of all known Historic Properties in state (>44,000 sites)
- Available online with user agreement
- Has map and site data components
- Constantly being updated
- Reflects known sites
- No data if no previous surveys in region

The SHPO/OHA Role in Spill Response



- **Provide guidance on Historic Properties to Unified Command as member of Resources Group.**
 - Advise on avoiding or minimizing spill cleanup impact to Historic Properties.
 - Providing information from a statewide database on Historic Properties, the Alaska Heritage Resources Survey
 - Coordinate with the Historic Properties Specialists.

Cultural Resource Personnel Activated on an Actual Spill:



- **FOSC Historic Properties Specialist**
- **RP's Historic Properties Specialist and crew**
- **SHPO representatives**

SHPO and Historic Properties Specialists coordinate on:



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- **AHRS Information**

SHPO and Historic Properties Specialists coordinate on:



- **AHRS Information**
- **Unified Command Historic Properties Signatory Sheet**



Unified Command Historic Properties Signatory Sheet for specific spill (State Programmatic Agreement, p. 19)

Form acknowledges
participants will be
informed on and comply
with cultural resource laws
and regulations

ATTACHMENT 4

HISTORIC PROPERTIES PROTECTION INFORMATION FOR EMERGENCY RESPONSE PERSONNEL: EXAMPLE

Tanker XYZ Cleanup
Cultural Resource Policy

The Alaska Historic Preservation Act declares the State of Alaska's policy regarding cultural resources as follows:

to preserve and protect the historic, prehistoric and archaeological resources of Alaska from loss, desecration and destruction so that the scientific, historic and cultural heritage embodied in these resources may pass undiminished to future generations.

The Unified Command of the Tanker XYZ cleanup strongly supports this policy, and will ensure compliance with State and Federal laws protecting cultural resources. On behalf of the FOSC and within the Unified Command structure, the FOSC's Historic Properties Specialist will ensure that cultural resources are appropriately considered during oil spill response activities. Response personnel play a key role in this program by being aware of their responsibilities under State and Federal law, and by dealing with sites properly when they are encountered. Whenever personnel encounter or discover an archaeological site or artifact, they are required to:

- Leave cultural materials in place at the site of discovery, and mark its location.
- Stop cleanup work in the vicinity surrounding the site.
- Immediately inform the field supervisor, who in turn, should immediately inform the FOSC's Historic Properties Specialist or an appropriately designated cultural resources specialist.

The Alaska Historic Preservation Act and various Federal laws and regulations prohibit collecting or tampering with protected cultural resources, including artifacts, fossils, human skeletal remains, and other items of antiquity, and violation of the act is a crime. In addition, violation of Federal laws protecting cultural resources may result in fines and imprisonment.

All oil spill response personnel (employees and their contractors) must comply with this Cultural Resource Policy:

Anyone found vandalizing, moving, or taking away cultural materials will be subject to disciplinary actions up to and including immediate dismissal from their work, and an incident report may be filed with law enforcement authorities, requesting prosecution under applicable law.

Federal On-Scene Coordinator

State On-Scene Coordinator

By, for, and on behalf of (Responsible Party)

SHPO and Historic Properties Specialists coordinate on:



- **AHRS Information**
- **Unified Command Historic Properties Signatory Sheet**
- **State Archaeological Survey Permit if shoreline survey takes place.**

SHPO and Historic Properties Specialists coordinate on:



- **AHRS Information**
- **Unified Command Historic Properties Signatory Sheet**
- **State Archaeological Survey Permit if shoreline survey takes place.**
- **Providing Historic Properties training to spill response personnel.**

SHPO/OHA



- Co-chair (with DOI) the ARRT's Cultural Resource Committee
- Unified and Subarea Plans, Geographic Response Strategies (GRS's), Places of Refuge and C-plans



Cultural Resource Protection Priorities



- 1. The effects of the cleanup operation on archaeological sites.**

Underwater sites



Intertidal sites



Archaeological sites

McArthur Passage: oiled beach, saturated water table



The effects of cleanup on archaeological sites



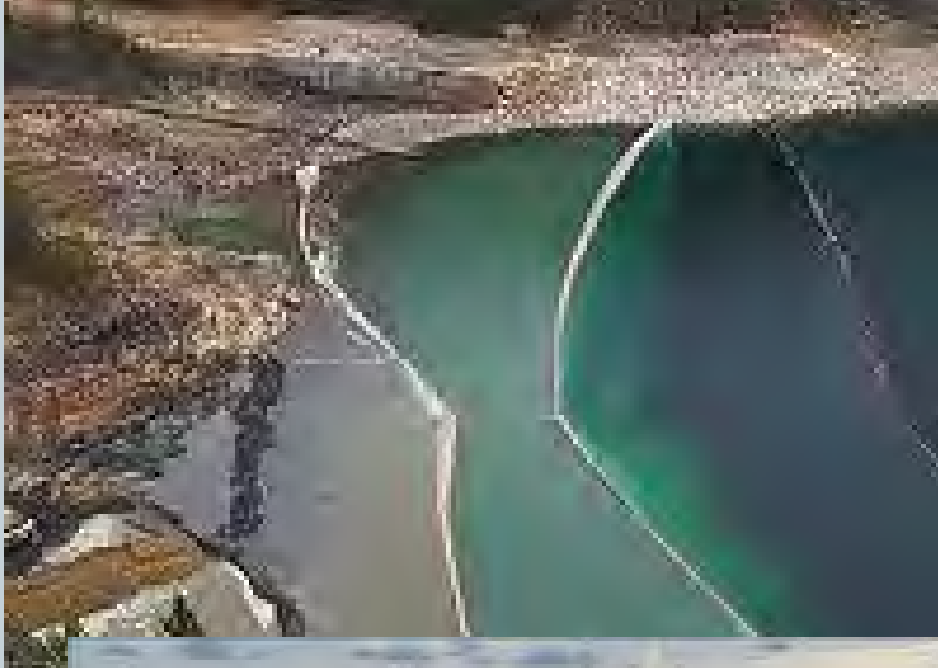
The effects of workers on archaeological sites



The effects of equipment and other activities on archaeological sites



The effects of boom anchors on archaeological sites



Cultural Resource Protection Priorities



1. The effects of the cleanup operation on archaeological sites.
2. Early activation of Historic Properties Specialist

Cultural Resource Protection Priorities



- 1. The effects of the cleanup operation on archaeological sites.**
- 2. Early activation of Historic Properties Specialist**
- 3. Training for potential Historic Properties Specialists.**



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