

EPA (Craig Carroll) started the call by providing a brief history / background of the current experience of Oil Spills (three at this point in time) --- two (2) of which appear to be from Pipeline breaks, and the most current from an associated Tank Battery facility of the same PRP.

EPA responded to all 3 spills with an On-Scene Coordinator and START contractors.

Craig provided a list of questions that EPA was presently working to answer:

- Does the federal government have jurisdiction on Tribal lands?
- If so who is the lead federal official under the NCP for responses on Tribal lands? This should cover both federally recognized and non-recognized tribes.
- Who is responsible for notifying the Tribe of an EPA-lead response on Tribal lands?
- Does the NIMS and NRP apply to Tribes?
- If the NIMS and NRP apply, is Unified Command warranted for responses on Tribal land because there are entities on scene other than the EPA OSC who meet the NIMS ICS requirements to serve in the UC i.e. jurisdictional authority, resources, and the ability to commit resources?

It was the consensus on the call that:

- Yes, the federal government does have jurisdiction to respond on Tribal lands
- Under the NCP, EPA is the lead federal agency for response to oil spills on Tribal lands
- A previous agreement between EPA and DOI established the notification to DOI (Steve Spencer) whenever EPA was responding on Tribal lands. Steve would then notify BIA, who would notify the appropriate tribe. Since there is Trust lands involved, BIA should be included in Clean up issues.
- Yes, Tribes must comply with NIMS requirements if they are receiving federal grant monies.
- Under the Unified Command, the Tribe, BIA, and the PRP must be included in the decision making process.

It was suggested that many of these topics could be further explored at the upcoming RRT-6 Meeting, including scheduling BIA to provide a presentation on spill response on tribal lands. An action item concerning the above questions could be referred to a committee for further work.

The RRT should also further investigate representation of tribes on the RRT.

Agencies on the Call:

EPA Region 6  
DOI  
NMED

USCG District 8  
Oklahoma Emergency Management  
FEMA