



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY, REGION 10
SEATTLE, WASHINGTON**

**SEVENTEENTH COAST GUARD DISTRICT
JUNEAU, ALASKA**



MEMORANDUM OF UNDERSTANDING

Between the

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION**

and the

U.S. COAST GUARD, SEVENTEENTH DISTRICT

CONCERNING FOSC RESPONSE BOUNDARIES FOR OIL DISCHARGES AND HAZARDOUS SUBSTANCE, POLLUTANT AND/OR CONTAMINANT RELEASES

PURPOSE

As described in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), this Memorandum of Understanding (MOU) establishes the cooperative framework for determining the emergency response boundaries for Coast Guard and EPA Federal On-Scene Coordinators (FOSCs) in responding to oil discharges and hazardous substance, pollutant, and/or contaminant releases in Alaska. This MOU supersedes all previous MOUs between the EPA Region 10 and the U.S. Coast Guard, Seventeenth District.

SCOPE

This MOU will encompass the Seventeenth Coast Guard District as defined in Title 33, U.S. Code of Federal Regulations Subpart 3.85. This MOU will be further delineated by Coast Guard Captain of the Port (COTP) zones as follows. The COTP zones include: Sector Juneau as defined in 33 C.F.R. 3.85-10, Sector Anchorage as defined in 33 C.F.R. 3.85-15(a), and MSU Valdez as defined in 33 C.F.R. 3.85-15(b). For EPA Region 10, this MOU will encompass the geographic areas within the State of Alaska.

Nothing in this MOU is intended to diminish, alter, or otherwise effect the statutory authority of the agencies involved.

All commitments made by EPA and USCG in this MOU are subject to the availability of appropriated funds and budget priorities. Nothing in this MOU, in and of itself, obligates EPA or

USCG to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligations. Any transaction involving transfers of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements.

DEFINITIONS

For purposes of this MOU, and in conjunction with the NCP, the "coastal zone" is defined as "all United States waters subject to the tide, or as otherwise defined below, and all land surface or land substrata, and ground waters 1000 yards inland as measured from the headland adjacent to those tidal waters."

The "inland zone" is defined as "the environment inland of the coastal zone." Precise boundaries separating the coastal zone from the inland zone are further defined in the Articles below.

A geospatial product identifying the boundaries of these zones is available in the National Oceanic and Atmospheric Administration's Arctic Environmental Response Management Application (ERMA) database.

ARTICLES OF AGREEMENT

ARTICLE I: SECTOR JUNEAU COTP ZONE

Subject to the definitions above, the Coast Guard will provide the FOSC for all oil discharges and hazardous substance releases in the coastal zone. The EPA will provide the FOSC for all oil discharges and hazardous substance releases in the inland zone.

ARTICLE II: MSU VALDEZ COTP ZONE

Subject to the definitions above, the Coast Guard will provide the FOSC for all oil discharges and hazardous substance releases in the coastal zone. The EPA will provide the FOSC for all oil discharges and hazardous substance releases in the inland zone. In the Valdez Area, the waters of the coastal zone are further defined to extend from the marine waters of Port Valdez to the first bridge on each waterway entering Port Valdez.

ARTICLE III: SECTOR ANCHORAGE COTP ZONE

Subject to the definitions above, the Coast Guard will provide the FOSC for all oil discharges and hazardous substance releases in the coastal zone. The EPA will provide the FOSC for all oil discharges and hazardous substance releases in the inland zone. For the following major rivers in Western Alaska, the boundary between the coastal and inland zone is further defined by the up-river geographic point listed below:

- 1) Knik River: Old Glenn Highway Bridge, Palmer, AK
- 2) Kenai River: Mile 12 at The Pillar's Boat Launch, Kenai, AK

- 3) Kasilof River: Mile 6, Kasilof, AK
- 4) Naknek River: Eskimo Creek, King Salmon, AK
- 5) Kvichak River: Levelock Creek, Levelock, AK
- 6) Nushagak River: Black Point and the Wood River: South end of Sheep Island, Dillingham, AK
- 7) Kuskokwim River: Steamboat Slough, Southern Confluence, Bethel, AK
- 8) Yukon River: Pitka's Point and the Andreafsky River confluence, not including St. Mary's, AK

ARTICLE IV: OTHER CIRCUMSTANCES

Should an incident occur on or near the jurisdictional boundaries described herein, or if the incident circumstances are unclear or uncertain, the EPA and USCG FOSCs will confer with each other to mutually agree which Agency will provide the FOSC for the response. Inability to agree will be referred to the EPA and USCG Alaska RRT Co-Chairs.

According to Section 300.140(b) of the NCP, if a discharge or release affects more than one zone, determination of the FOSC should generally be based on the area vulnerable to the greatest threat.

The parties concur that, in accordance with NCP Section 300.135(b), in some cases it may be necessary for one agency's FOSC to initiate response to an incident, in consultation with the predesignated FOSC for that zone, and continue incident oversight and coordination until the arrival of such predesignated FOSC.

ARTICLE V: AMENDMENTS AND EFFECTIVE DATE

This MOU may be modified by written agreement by both parties upon 30 days written notice by either party. This MOU can be terminated in writing at any time, by either party.

This MOU is effective upon the signature of the Chief of Staff, Seventeenth Coast Guard District for the Coast Guard, and U.S EPA, Region 10, Superfund and Emergency Management Division Director.

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TERADA CALVIN TERADA
 Date: 2021.12.23
 08:57:36 -08'00'

Calvin J. Terada
 Director, Superfund and Emergency
 Management Division
 U.S. Environmental Protection Agency
 Region 10



Gregory T. Fuller
 Captain, U.S. Coast Guard
 Chief of Staff
 U.S. Coast Guard, Seventeenth District

1/12/2022
 Date

