

**LUMMI NATION
SPILL PREVENTION AND RESPONSE CAPABILITY
DEVELOPMENT**

2021 Annual Synthesis Report



Prepared For:
Lummi Indian Business Council

Prepared By:
Water Resources Division
Lummi Natural Resources Department

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Introduction

Large amounts of crude oil, petroleum products, and other hazardous materials are transported and stored near the Lummi Indian Reservation (Reservation). These hazardous materials are transported by ships, pipelines, trucks, and railroad and are used, produced, and/or stored throughout the Reservation area, particularly in the Cherry Point Heavy Impact Industrial Zone immediately north of the Reservation boundary. Accidents, equipment failure, and human error have the potential to result in large spills and disastrous human and environmental consequences. Many of these hazardous materials are toxic to people and animals if inhaled, ingested, or contacted. Oil and chemical spills or releases to waters on or adjacent to the Reservation have the potential to threaten public health and safety and destroy some of the most productive and valuable ecosystems in the world. Spills or releases of petroleum products, chemicals, or other hazardous materials to land can threaten public safety, public health, and the environment. To date, there has not been a large hazardous material spill on or near the Reservation that has impacted Lummi Nation Waters. However, future residential and economic growth on the Reservation, in the adjacent Cherry Point Heavy Impact Industrial Zone, and in areas upstream from the Reservation, will increase the risk of a hazardous material emergency on the Reservation.

Because of the potential consequences, it is important for the Lummi Nation to develop and implement a plan to effectively respond to a hazardous material spill or release on or adjacent to the Reservation. The Lummi Natural Resources Department (LNR) has been actively developing spill response capabilities since the mid-1990s and completed the Lummi Nation Spill Prevention and Response Plan (SPRP) in October 2005. An update to the 2005 SPRP was completed in late 2016 and approved by the Lummi Indian Business Council (LIBC) in early 2019. Continuing efforts to develop spill prevention and response capabilities include staff training and spill response drills, equipment upgrades, planning, research, and public outreach. These efforts contribute to achieving the Lummi Nation goals of protecting the public health and safety of Reservation residents and protecting treaty rights to fish and gather throughout all usual and accustomed areas. These activities also contribute to achieving the EPA strategic goals of clean and safe water and healthy communities and ecosystems.

This annual synthesis report is a summary of the Lummi Nation spill prevention and response capability development activities conducted during the January 1, 2021 through December 31, 2021 period. The activities are divided into the following categories: Staff Training and Oil Spill Response Drills, Planning, Equipment, Oil Spill Response Incidents, Public Outreach, and Data Collection/Research.

Spill Prevention and Response Capability Development Activities

1. Staff Training and Oil Spill Response Drills:

Pre-COVID, spill prevention and response training for staff members had been conducted through both in-person dedicated classes and through tabletop and boom deployment exercises. Due to social distancing requirements and group size restrictions none of these activities occurred after COVID-based protective measures were put into place in early March

2020. In lieu of in-person activities, it was recommended that members of the Lummi Nation Spill Response Team take a certified online Hazardous Waste Operations and Emergency Response (HAZWOPER) 8-Hour Refresher Course. The staff members identified below attended the following training programs, spill response drills, workshops, or completed the online HAZWOPER 8-Hour Refresher Course during 2021.

- a) On May 20, 2021, Jeff Solomon (LNR Natural Resources Technician II), Jamie Mattson (LNR Water Resources Specialist II/Planner) and Andy Ross (Water Resources Specialist III/Hydrologist) participated in Washington State Marine Cooperative (WSMC) 2021 Worst Case Discharge Exercise. The exercise was virtual utilizing Microsoft TEAMS. See attached memorandum.
- b) On December 9, 2021 Jamie Mattson completed the online 2021 HAZWOPER 8-Hour Refresher. See attached certificate.
- c) On December 10, 2021 Hanna Winter (LNR Water Resources Specialist II) and Jeff Solomon both completed the online 2021 HAZWOPER 8-Hour Refresher. See attached certificates.
- d) On December 15, 2021, eight (8) members of the Lummi Natural Resources Department participated in the Boat Safety Day with the spill response boat *Responder II*. The training was conducted by the Water Resources Division and the agenda and participant list are attached.

2. Planning:

- a) During the winter of 2021, Andy Ross in consultation with other LNR staff worked with Washington Department of Ecology (Ecology) staff to provide comments on the updated North Puget Sound Geographic Response Plan (NPS GRP) prior to its publication in June 2021.

3. Equipment:

- b) Routine maintenance of the 2010 Nissan Titan included regular servicing (e.g., oil and filter changes, multi-point inspection).
- c) Routine maintenance of the 1996 Jeep Cherokee included regular servicing.
- d) Routine maintenance of the *Responder II*, a 26 ft purpose-built spill response boat and its trailer.

4. Oil Spill Response Incidents:

There was one spill incident near the Reservation in 2021 and work continued into 2021 from a late 2020 spill. The 2021 incident was a boat sinking and the carry-over from 2020 was a train derailment. Lummi Natural Resources staff remotely engaged in both events in 2021 but did not directly participate in spill recovery efforts.

- a) Work at the site of the December 22, 2020 BNSF Railway oil train derailment continued into early 2021. All train cars were removed for recycling, crude-oil-impacted soils were

removed, and remediation measures were installed including groundwater monitoring wells and a bioventing system. An estimated 28,962 gallons of oil were lost during the incident, but most was either incinerated during the fire, evaporated, or recovered. An estimated 5,400 to 8,000 gallons is unrecovered and the bioventing system will consume the remaining hydrocarbons. Groundwater testing indicates no off-site impacts.

- b) On July 13, 2021 a 79-foot vessel sank in about 400 feet of water off of Cherry Point in Georgia Strait. The vessel was a derelict vessel being towed by a Port of Bellingham contractor from Blaine Harbor to Bellingham for disposal.

5. Public Outreach:

Information about oil spill prevention and response capabilities (e.g., emergency contact information and equipment list) is also published on the Water Resources Division page of the Lummi Natural Resources Department website (<https://www.lummi-nsn.gov/Website.php?PageID=67>).

6. Data Collection/Research:

The Lummi Natural Resources Department staff regularly conducts data collection activities and research in support of the overall departmental mission to protect and restore tribal natural resources. These data collection/research activities support the goals of the oil spill prevention and response capability development by documenting background and ambient conditions. This information will be useful in evaluating the effectiveness of response efforts in the event of an oil spill and to protect public health and safety.

In addition, the Lummi Water Resources Division has conducted a number of activities that support efforts to prevent and respond to spills including developing and adopting water quality standards, storm water management regulations, and regulations that identify civil fines for activities that negatively impact Lummi Nation Waters.

ATTACHMENTS

WASHINGTON STATE MARITIME COOPERATIVE



WORST CASE DISCHARGE EXERCISE

***VIRTUAL INCIDENT COMMAND POST
VIA MICROSOFT TEAMS***

MAY 20, 2021

WASHINGTON STATE MARITIME COOPERATIVE 2021 WORST CASE DISCHARGE EXERCISE

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Certificate of Completion

May it be known that this certificate has been presented to:

Jamie Mattson

for completing

2021 HAZWOPER 8-Hour Refresher

an online training course presented by the Institute for Tribal Environmental Professionals

Completion Date: December 9, 2021

8 Instructional hours approved by ITEP

0.8 CEUs Continuing Educational Units (CEUs) approved by ITEP



A handwritten signature in blue ink, appearing to read "Anne Marie Chischilly".

Anne Marie Chischilly, Esq.
Executive Director, ITEP



Certificate of Completion

May it be known that this certificate has been presented to:

Hanna Winter

for completing

2021 HAZWOPER 8-Hour Refresher

an online training course presented by the Institute for Tribal Environmental Professionals

Completion Date: December 10, 2021

8 Instructional hours approved by ITEP

0.8 CEUs Continuing Educational Units (CEUs) approved by ITEP



A handwritten signature in blue ink, appearing to read "Anne Marie Chischilly".

Anne Marie Chischilly, Esq.
Executive Director, ITEP



Certificate of Completion

May it be known that this certificate has been presented to:

Jeff Solomon

for completing

2021 HAZWOPER 8-Hour Refresher

an online training course presented by the Institute for Tribal Environmental Professionals

Completion Date: December 10, 2021

8 Instructional hours approved by ITEP

0.8 CEUs Continuing Educational Units (CEUs) approved by ITEP



A handwritten signature in blue ink, appearing to read "Anne Marie Chischilly".

Anne Marie Chischilly, Esq.
Executive Director, ITEP



Boat Safety Day – 15 December 2021

Agenda

Projected participants: Lummi Natural Resources Division staff

- ❖ Water Resources
- ❖ Stock Assessment
- ❖ Restoration
- 09:00 – 11:00 Off-The-Water training
 - Introductions
 - Discuss safety equipment + hands on
 - Discuss equipment location aboard Responder II
 - Scenario-based question & discussion
 - Discuss marine radio communications (time permitting)
- 11:00 – 12:00 Lunch
- 12:00 – 12:30 Move Responder II to Gooseberry Point
- 12:30 – 15:00 On-The-Water training
 - Bad weather vessel handling & control
 - Launching & retrieving
 - Traveling in large waves
 - Docking
 - Assess conditions to determine whether to abandon or continue a trip

Schedule is subject to adjustment. If there are any questions or concerns regarding this event, please don't hesitate to reach out to Jeff Solomon – Natural Resources Technician II

O: 360-312-2301 E: jeffreys@lummi-nsn.gov

Boat Safety Day participants list

12-15-2021

Devin Flawd, LNR Stock Assessment Manager

Don Kruse, LNR Stock Assessment Fisheries Biologist II

Jesse Cooper, LNR Stock Assessment Field Technician

Mike Williams, LNR Stock Assessment Field Technician

Frank Lawrence III, LNR Deputy Director II

Jeff Solomon, LNR Natural Resources Technician II

Hanna Winter, LNR Water Resources Specialist II

Shamania James, LNR Water Resources Technician II