
Amendment 96-1

of the

Memorandum of Agreement Between

Department of the Interior

National Oceanic and Atmospheric Administration

State of Rhode Island and Providence Plantations

Regarding Natural Resource Damage Assessment and
Restoration Arising from the Barge North Cape/Tugboat Scandia
Oil Spill and Coordination of Other Studies
and Enforcement Activities

AMENDMENT 96-1

On October 16, 1996, the Department of the Interior, the National Oceanic and Atmospheric Administration, and the State of Rhode Island (collectively, the Trustees) entered into a Memorandum of Agreement (MOA) in recognition of their common interests in the restoration of natural resources and associated services which were injured, destroyed or lost as a result of the Barge North Cape/Tug Scandia Oil Spill which began on January 19, 1996 in Block Island Sound at and around the Trustom Pond National Wildlife Refuge in Rhode Island, and in the coordinated the handling of natural resource damage claims arising therefrom. These agencies have the authority, under 40 C.F.R. Sections 300.600 through 300.615, to act on behalf of the public as Federal and State Trustees for natural resources.

Article XII. Section E. of the MOA provides that the MOA may be amended by agreement of the Trustees if it is determined, *inter alia*, that an amendment is necessary to accomplish the objectives of the MOA.

The Trustees have determined that amendment of the MOA is necessary to accomplish the objectives of the MOA. The Trustees therefore agree that the MOA will be amended as follows:

1. Article VI. Section B. 3 shall be changed to read:

Develop a Restoration Plan consistent with the federal National Environmental Policy Act, 42 U.S.C. Section 4321 et seq.; the NOAA regulations at 15 C.F.R. Part 990; and Rhode Island statutory law, common law, and resource management policies.

2. Article IX. Section B.4. - The last sentence shall be changed to read:

In the event of irreconcilable disputes, the disposition of funds recovered from the PRPs shall be governed by Section XII(F)(3).

3. Article IX. Section B.8. - The first sentence shall be changed to read:

Any member of the Trustee Restoration Council may, upon reasonable notice through the ART, call a meeting of the Trustee Restoration Council to be conducted either in person or by telephone conference call.

4. Article IX. Section B.9. The first sentence shall be changed to read:

The Trustee Council created pursuant to this Section shall terminate upon the completion of all restoration activities undertaken related to the Spill, or otherwise in accord with the provisions of Section XII(F) of this MOA.

5. Article XII. Section G. The first sentence shall be changed to read:

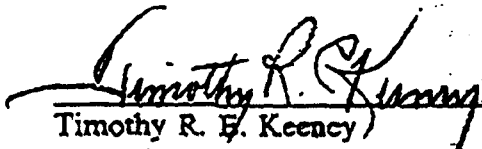
It is the intention of the Trustees to follow as guidance the NOAA natural resource damage regulations, 15 C.F.R. Part 990, in matters relating to the Spill.

The Trustees, through the delegates designated pursuant to Article VIII. Section A. of the MOA, have signed Amendment 96-1 on the date appearing opposite their signatures.

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Oil Spill

FOR THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NATURAL RESOURCE TRUSTEE
TRUSTEE DELEGATE



Timothy R. E. Keency
Commissioner

Oct 11, 1996
Date

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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATURAL RESOURCE TRUSTEE

C. Ehler.
Charles N. Ehler
Director, Office of Ocean
Resources Conservation
and Assessment

2/10/77.
Date