

NOTICE OF INTENT TO CONDUCT RESTORATION PLANNING (pursuant to 15 C.F.R. § 990.44) – Discharge of oil from the July 18, 2025 PetroCard tanker truck rollover to Indian Creek, Clallam County, Washington.

SUMMARY: This public notice confirms that designated federal, state, and tribal natural resource trustees (outlined below) will be undertaking restoration planning to assess and redress the potential impacts of the July 18, 2025 oil spill, west of Port Angeles in Clallam County, Washington, to Indian Creek and the Elwha River, and the surface waters, sediments, soils, and adjacent lands. The discharged oil likely injured aquatic organisms, fish, wildlife and habitat, while also potentially impacting cultural uses and other services provided by these resources. The natural resource trustees will evaluate these potential environmental injuries and service losses to determine the need for and scale of restoration. Restoration planning documents will be made available for public comment.

FACTS: On July 18, 2025, a dual-trailer rig tanker truck owned and operated by PetroCard rolled over on Highway 101 between mileposts 237 and 238 and overturned into Indian Creek in Clallam County, Washington. One trailer contained an estimated 3,900 gallons of diesel and the second trailer contained up to 6,000 gallons of gasoline. Approximately 2,798 gallons of gasoline and 172 gallons of diesel were released from the tanker. The oil products discharged into Indian Creek, the Elwha River, surface waters, sediments, and soils, and onto adjacent lands. Immediately after the discharge, a fish and aquatic invertebrate die-off was observed in Indian Creek and along part of the Elwha River downstream from the confluence of Indian Creek. Dead aquatic organisms and other wildlife that were collected included lamprey species, coho salmon, federally threatened salmonid species (including Chinook, bull trout, and Steelhead), sculpin, crayfish, and other benthic invertebrates. The surface water and hyporheic zone of Indian Creek and part of the Elwha River, as well as the habitat and resources in and adjacent to both waterbodies, were impacted by the oil products. Natural resources (including land, biota, and habitat) owned and/or managed by the National Park Service were impacted by the discharge. Response agencies' activities conducted as a result of the discharge also harmed natural resources including, but not limited to, vegetation, sediment, fish and wildlife species, and habitat elements that support aquatic resources and wildlife. All of the foregoing is referred to as "the Incident." The Incident discharge affected and continues to adversely affect and threaten natural resources within the jurisdictions of the Lower Elwha Klallam Tribe, the Jamestown S'Klallam Tribe, the Port Gamble S'Klallam Tribe, the United States, and the State of Washington.

NATURAL RESOURCE TRUSTEES: Pursuant to section 1006 of the Oil Pollution Act ("OPA"), 33 U.S.C. §§ 2701, *et seq.*, federal, state and tribal trustees ("the Trustees") for natural resources are authorized to (1) assess natural resource injuries resulting from a discharge of oil or the substantial threat of a discharge and response activities, and (2) develop and implement a plan for restoration of such injured resources. The federal trustees are designated pursuant to the National Contingency Plan ("NCP"), 40 C.F.R. § 300.600 and Executive Order 12777, and, for this Incident, include the United States Department of the Interior, acting through the U.S. Fish and Wildlife Service and the National Park Service, and the National Oceanographic and Atmospheric Administration. The state trustee for natural resources is the State of Washington

represented by the Washington State Department of Ecology. Tribal trustees are designated pursuant to the NCP, 40 C.F.R. § 300.610, and, for this Incident, include the Lower Elwha Klallam Tribe, Jamestown S'Klallam Tribe, the, and the Port Gamble S'Klallam Tribe.

RESPONSIBLE PARTY: As defined by OPA, the identified Responsible Party ("RP") for this Incident is PetroCard. Pursuant to 15 C.F.R. § 990.14(c), the Trustees are inviting the RP identified above to participate in a natural resource damage assessment and restoration process ("NRDAR").

PREASSESSMENT AND RESTORATION PLANNING: The Trustees began the Preassessment Phase of the NRDAR in accordance with 15 C.F.R. § 990.40 to determine if they had jurisdiction related to the Incident to pursue restoration under OPA, and, if so, whether it was appropriate to do so. During the Preassessment Phase, the Trustees collected and analyzed, and are continuing to collect and analyze, the following: (1) data reasonably expected to be necessary to make a determination of jurisdiction or a determination to conduct restoration planning, (2) ephemeral data, and (3) information needed to design or implement anticipated emergency restoration and assessment activities as part of the Restoration Planning Phase.

Under the NRDAR regulations applicable to OPA, 15 C.F.R. Part 990, the Trustees prepare and issue a Notice of Intent to Conduct Restoration Planning ("Notice") if they confirm the jurisdiction of the Trustees and the appropriateness of pursuing restoration of natural resources.

Pursuant to 15 C.F.R. § 990.44, this Notice announces that the Trustees have determined that they have jurisdiction for natural resources affected by the Incident and that it is appropriate to pursue natural resource restoration. The Trustees intend to proceed with restoration planning to evaluate, assess, quantify, and develop plans for restoring, replacing or acquiring the equivalent of natural resources injured and losses resulting from the Incident. The restoration planning process will include collection of information that the Trustees determine is appropriate for identifying and quantifying the injuries and losses of natural resources, including resource services, and to determine the need for, and type and scale of restoration actions.

SUPPLEMENTARY INFORMATION:

Determination of Jurisdiction

The Trustees have made the following findings pursuant to 15 C.F.R. § 990.41:

1. The tanker rollover and discharge of petroleum products on Highway 101 between mileposts 237 and 238 in Clallam County, Washington on July 18, 2025, and resulting discharges of diesel and gasoline into and upon navigable waters of the United States, including Indian Creek, the Elwha River, as well as adjoining riparian areas, floodplains, and upland areas, constitute an "Incident", within the meaning of 15 C.F.R. § 930.30.
2. The discharges are not permitted pursuant to federal, state, or local law; are not from a public vessel; and are not from an onshore facility subject to the Trans-Alaska Pipeline Authority Act, 43 U.S.C. §§ 1651, *et seq.*
3. Natural resources under the trusteeship of the Trustees have been and continue to be

injured and/or threatened as a result of the discharged oil and associated response efforts. The discharged oil is harmful to natural resources exposed to the oil, including aquatic organisms including federally listed species (such as Chinook, Steelhead, and bull trout), coho salmon, lamprey, sculpins, amphibians, birds, and other wildlife, as well as macroinvertebrates, vegetation, and supporting habitats. Essential Fish Habitat under the Magnuson-Stevens Act, 16 U.S.C. § 1801, *et seq.*, for Chinook, coho, and Puget Sound pink salmon was impacted by the Incident. Discharged oil and the response and preassessment activities to address the discharges of oil have resulted in adverse effects on natural resources in and around Indian Creek, the Elwha River, and the riparian, floodplain, and associated upland areas, and have impaired ecological services that those resources provide.

Based on the above findings, the Trustees have determined that they have jurisdiction to pursue restoration under the OPA.

Determination to Conduct Restoration Planning

Pursuant to 15 C.F.R. § 990.42(a), the Trustees determined that:

1. Observations and data collected pursuant to 15 C.F.R. § 990.43 demonstrate that injuries to natural resources and the services they provide have resulted from the Incident; however, the nature and extent of such injuries have not been fully determined at this time. The Trustees have identified numerous categories of impacted and potentially impacted resources, including fish, benthic invertebrates, and other sensitive resources and their habitats, including streams, sediments, stream banks, wetlands, and floodplains as well as adverse impacts to the services those resources provide, including cultural uses. The Trustees have been conducting and continue to conduct activities to evaluate injuries and potential injuries within these resource categories. More information on these resource categories will be available in the Administrative Record ("AR," as defined below), including assessment work plans developed by the Trustees, or jointly by the Trustees and the RP, and information gathered during the preassessment. The full nature and extent of injuries will be determined during the injury assessment phase of restoration planning.
2. Initial site visits and assessments were conducted by the Washington Department of Ecology, the Jamestown S’Klallam Tribe, the Lower Elwha Klallam Tribe, the National Park Service, Focus Wildlife, and Polaris, Inc. Emergency response actions employed for this spill included, but were not limited to, containment and recovery of oil from surface water and riparian and upland areas, excavation of oil-contaminated soil and removal of oil from overbank areas, removal or wiping/cleaning of oiled vegetation and encompassing habitats, deterrence and hazing, sediment removal, riverbed sparging to mobilize entrained oil, booming, and clearing of vegetation for access and work areas. Investigations have been conducted to monitor potential contamination of surface water and soils. The response actions conducted to date have not addressed and are not expected to address all injuries resulting from the discharge of oil. In addition, some of the response actions and preassessment activities have caused or are likely to cause injuries to natural resources and the services they provide, including, but not limited to,

impacts to stream substrate, stream banks, floodplains, riparian areas, and fish and wildlife species and their habitat. While injured natural resources may eventually recover to the condition they would have been in had the discharges not occurred, interim losses have occurred, and are likely to occur in the future, and these will continue until baseline conditions are achieved. In addition, there have been and will continue to be losses of services provided by the injured natural resources.

3. Feasible restoration actions exist to address the natural resource injuries and losses resulting from the Incident. Assessment procedures are available to scale the appropriate amount of restoration required to offset these ecological and human use service losses. During the restoration planning phase, the Trustees will evaluate potential restoration projects, determine the amounts and types of restoration needed to compensate the environment and the public, and release a draft Restoration Plan for public review and comment.

Based upon these determinations, the Trustees intend to proceed with restoration planning for the Incident.

Administrative Record

The Trustees have opened an Administrative Record ("AR") in compliance with 15 C.F.R. § 990.45. The AR will be publicly accessible and will include documents considered by the Trustees during the preassessment and restoration planning phases of the NRDAR performed in connection with the Incident. The AR will be augmented with additional information over the course of the NRDAR process. The availability and location of the AR will be addressed in one or more future notices and announcements, and the Index of the AR may be viewed at the following website: <https://ecology.wa.gov/spills-cleanup/spills/spill-preparedness-response/restoring-resources-after-spills/petrocard-indian-creek-nrda>

Opportunity to Comment

Pursuant to 15 C.F.R. §§ 990.14(d) and 990.44, and state authorities, the Trustees will be providing substantial opportunities for public involvement in the restoration planning for this Incident. The opportunities for public involvement will be addressed in future notices and announcements, and can be found at the following website: <https://ecology.wa.gov/spills-cleanup/spills/spill-preparedness-response/restoring-resources-after-spills/petrocard-indian-creek-nrda>

Adoption by Natural Resource Trustees

As designated natural resource trustees, the Lower Elwha Klallam Tribe, the Jamestown S’Klallam Tribe, the Port Gamble S’Klallam Tribe, the US Department of the Interior, the National Oceanic and Atmospheric Administration, and the State of Washington hereby adopt the foregoing.