

US EPA ARCHIVE DOCUMENT



Emergency Response Guidelines for Consultation Under the Endangered Species Act

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Endangered Species Act

- The Endangered Species Act of 1973, as amended (16 U.S.C §1531)
 - Provides a means to protect threatened and endangered species and habitats
 - Requires Federal agencies to ensure actions do not jeopardize
- Section 7 Consultation – 50 CFR Part 402



Memorandum of Agreement

- U.S. Coast Guard
- Environmental Protection Agency
- Department of the Interior
- National Oceanic and Atmospheric Administration



U.S. COAST GUARD



Homeland Security



Memorandum of Agreement

- No additional requirements for OSC's
- Pre-Spill Planning
 - Informal consultation through the ACP's to develop response strategies
 - Requested in writing by the Area Committee Chair



U.S. COAST GUARD



**Homeland
Security**

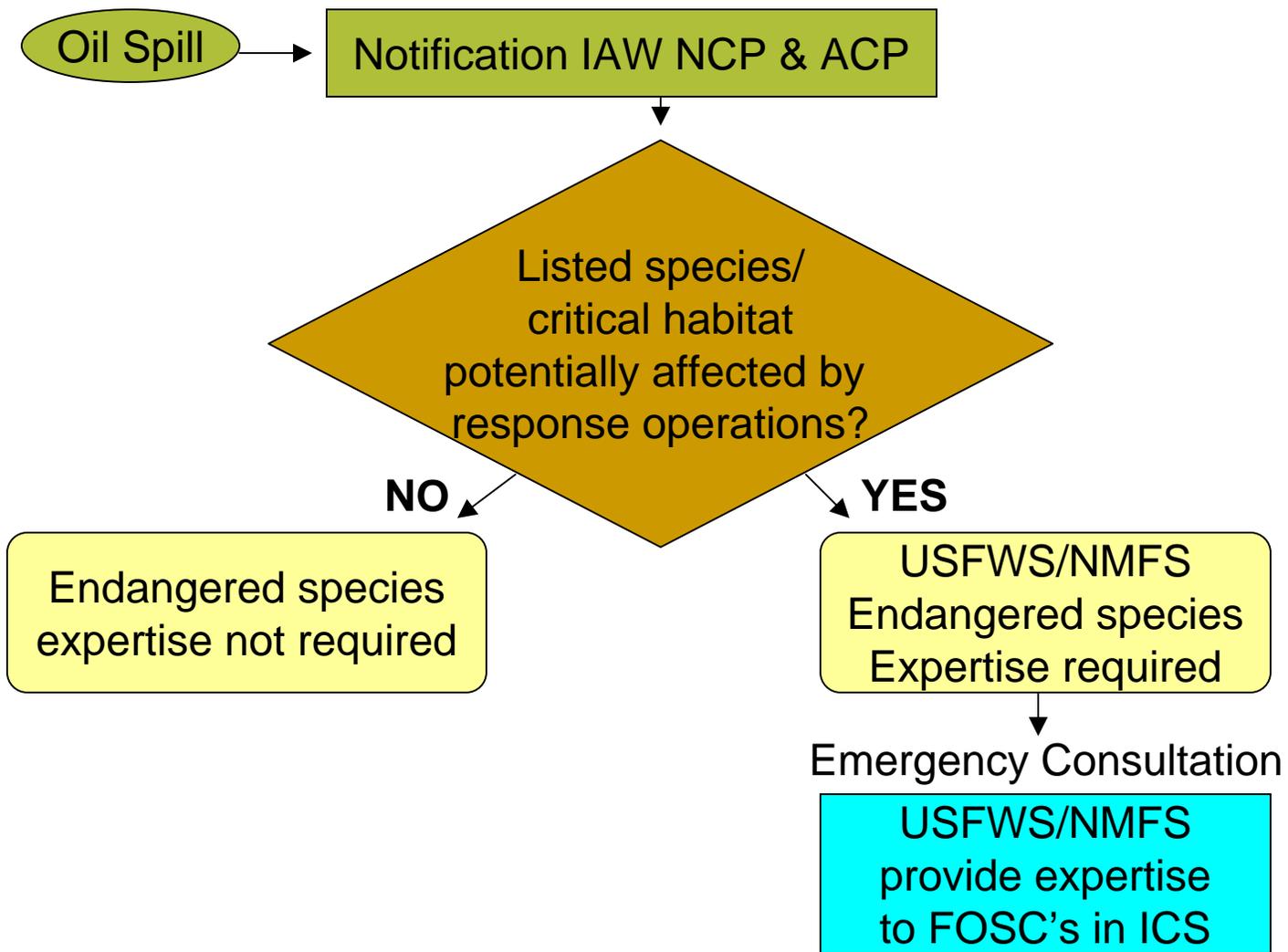


Memorandum of Agreement

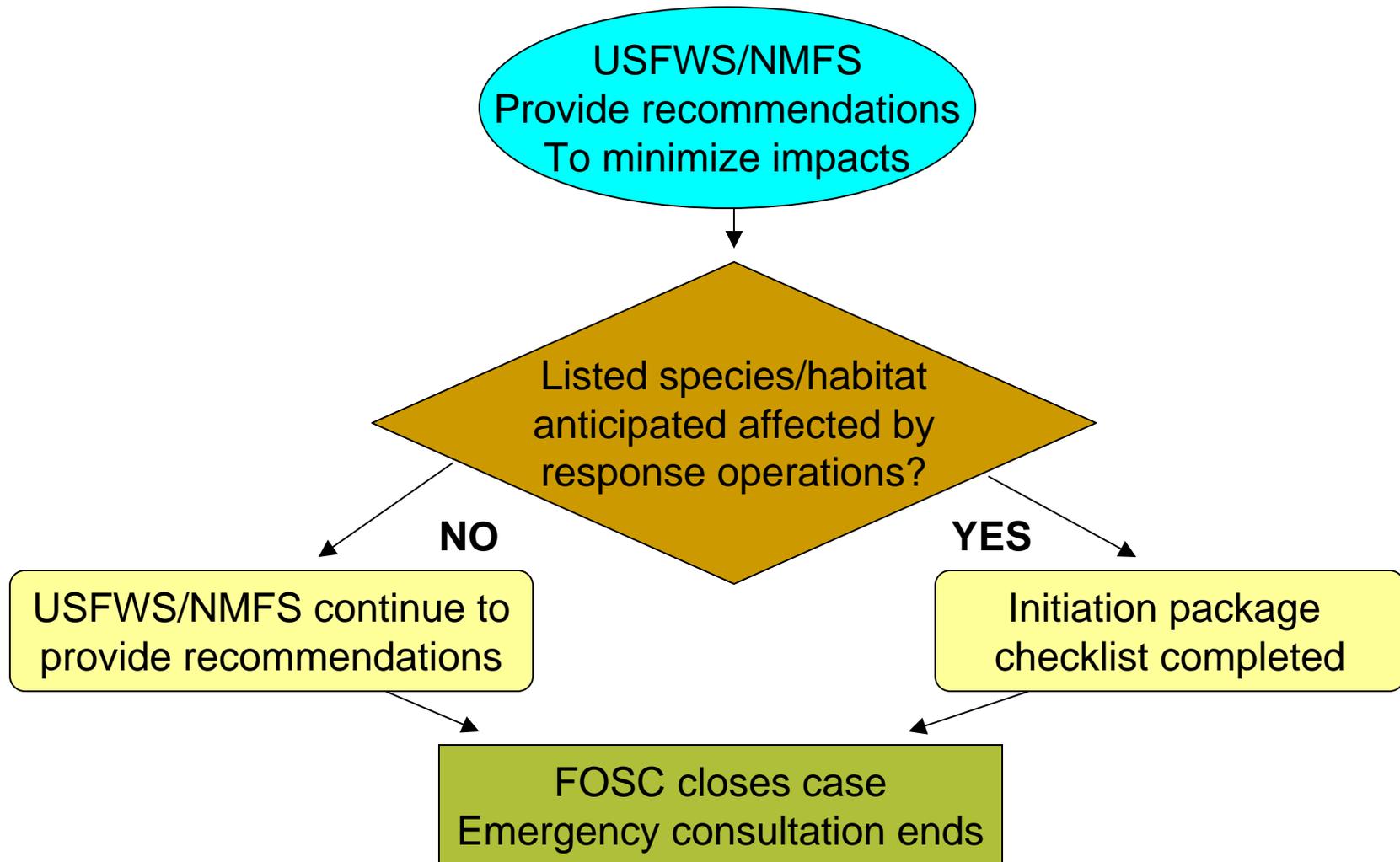
- Spill Response
 - ❑ Emergency consultation
 - ❑ Timely recommendations to avoid/minimize impacts to listed species and critical habitat
 - ❑ Documentation of incidental take
 - ❑ FOSC and Services to both maintain record of communications
 - ❑ Action agency's critical mission unchanged – priority is human health and safety



Spill Response Procedures



Spill Response Procedures



Memorandum of Agreement

- Post Response

- ❑ Adverse effects of the response to species/habitat requires formal consultation
 - ❑ Written request from FOSC
 - ❑ Relevant information should be made available for use in the Natural Resource Damage Assessment process
 - ❑ Impacts of response jointly evaluated by FOSC and the Services
 - ❑ Biological Opinion issued by involved Service to be used for the benefit of future response actions
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Documentation

- Area Committee ensures document (Biological Opinion) becomes part of ACP
 - Appendix to Dispersant or In Situ Burn Plan
 - Reference document
 - Relevant information also included in appropriate sections of ACP



Regional Response Team Involvement

- Workgroup – DOI, USCG, FWS, EPA, NOAA, NMFS, and States of TX and LA
 - Developed guidance (draft) and form for consultation during emergency response for use by OSC's
 - Recommendation for area committees to pursue “programmatic” coordination
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Documentation

CONSULTATION DURING EMERGENCY RESPONSE ACTIVITIES UNDER SECTION 7 OF THE ENDANGERED SPECIES ACT

- 1. DATE: _____
- 2. DATE OF INCIDENT: _____
- 3. EVENT TITLE/NRC # _____
- 4. EVENT LOCATION: _____
(be very specific: i.e. include lat/long, range/township, etc) _____
- 5. EVENT DAY (1,2,3, etc.): _____
- 6. RESPONSE AGENCY: _____
FOSC CONTACT: _____
(name, phone, fax, e-mail, address) _____
- 7. CONSULTATION AGENCY* _____
CONTACT: _____
(name, phone, fax, e-mail, address) _____

Planned Response Actions (indicate if attached):
Recommendation(s) by USFWS/NMFS (indicate if attached):
Consultation Number: _____

FWS/NMFS representative only (circle one):
Print Name _____

Signature _____ **Date:** _____

More Information

- A copy of the Memorandum of Agreement can be found at the National Response Team website: www.nrt.org [in search type “Inter-agency Memorandum of Agreement”]
 - Information on Consultation under the Endangered Species Act can be found at: <http://endangered.fws.gov/consultations/index.html>
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Questions?

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