

**ALASKA REGION SPILL RESPONSE
EMERGENCY ENDANGERED SPECIES ACT
CONSULTATION INITIATION**

This form is intended to initiate and document emergency consultation with the National Marine Fisheries Service and U.S. Fish & Wildlife Service (the Services) for species listed, and critical habitat designated under, the Federal Endangered Species Act (ESA). This form is intended to streamline and standardize initiation of the ESA consultation process, when emergency spill response activities may affect federally listed species and/or critical habitat. This form is not intended to alter any provisions of the Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities signed by six federal agencies in 2001.¹

Emergency Contact: The Services should be contacted as soon as possible by telephone and email at:

U.S. Fish & Wildlife Service	fwsakspillresponse@fws.gov	Cell: 907-242-6893	Alt: 907-750-8527
National Marine Fisheries Service	sadie.wright@noaa.gov	Off: 907-586-7630	Cell: 907-957-8147

The initial stages of emergency consultations can be done by phone, but must be followed as soon as possible by written correspondence; therefore, this form will be completed no later than 24 hours following notification of the emergency and transmitted via email regarding emergency spill response actions.

Instructions for Completing the Form

Pages 2-4: The Federal On-Scene Coordinator (FOSC) or FOSC Representative for ESA consultation, with assistance from the NOAA Scientific Support Coordinator (SSC), should fill out pages 2-4. All proposed initial response actions should be indicated, including any pre-approved practices to avoid or minimize impacts to listed species and critical habitats.

Pages 5-9: The Services will assist in determining the presence of ESA protected resources in the response area, but the initial checklist should be prepared by the FOSC (or designee). The Services will complete the initial effects assessment, considering the response actions and standard practices proposed. The Services may require additional information regarding proposed response actions and techniques when conducting this assessment. The Services will review the FOSC's determination of whether or not the proposed response tactics and actions will likely affect any listed species or critical habitat, check the appropriate and applicable protection measures, and provide recommendations to avoid and minimize any potentially adverse effects. The Services will strive to transmit the completed form to the FOSC within 24 hours of receipt.

Awaiting a response from the Services should not delay emergency response activities.

The FOSC will implement as many protection measures as feasible without delaying the response. The Services must be notified if actions and techniques change as the response progresses and will be available for further coordination and consultation as requested.

Post Emergency

Once the emergency response actions are completed, the Services will be notified and the Federal OSC and the Service(s) will jointly review and evaluate the effects of response activities on listed species and/or critical habitat, using the post response consultation close-out form. If the response resulted in adverse effects, formal consultation will be initiated. If no adverse effects occurred, ESA consultation is complete.

¹ Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act. 2001.

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TIME & DATE OF TRANSMITTAL:

FROM: FOSC U.S. Coast Guard	NAME: EMAIL:	Off.: Cell:
TO: USFWS <input type="checkbox"/>	NAME: U.S. Fish & Wildlife Service EMAIL: fwsakspillresponse@fws.gov	Cell: 907-242-6893 Alt.: 907-750-8527
NMFS <input type="checkbox"/>	NAME: Sadie Wright EMAIL: sadie.wright@noaa.gov	Off.: 907-586-7630 Cell: 907-957-8147

INCIDENT NAME:

DATE OF INCIDENT:

LOCATION INFORMATION:

CENTER LOCATION (NAD 83)	LATITUDE:	LONGITUDE:								
<table border="1"> <tr> <td>LOCATION TYPE <i>Check all that apply</i></td> <td>NAME/LANDMARKS</td> </tr> <tr> <td>Port/Industrial</td> <td rowspan="5"></td> </tr> <tr> <td>Riverine/Wetland</td> </tr> <tr> <td>Inshore/Estuarine</td> </tr> <tr> <td>Nearshore/Coastal</td> </tr> <tr> <td>Offshore/EEZ</td> </tr> </table>			LOCATION TYPE <i>Check all that apply</i>	NAME/LANDMARKS	Port/Industrial		Riverine/Wetland	Inshore/Estuarine	Nearshore/Coastal	Offshore/EEZ
LOCATION TYPE <i>Check all that apply</i>	NAME/LANDMARKS									
Port/Industrial										
Riverine/Wetland										
Inshore/Estuarine										
Nearshore/Coastal										
Offshore/EEZ										
<p>DESCRIPTION OF INCIDENT: Be as complete as possible. Include information on the type and amount of material spilled, initial impacts, and other relevant details.</p>										

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Response Actions (check all that apply)

ACTIONS / TACTICS²	Check	Date	DETAILS / NOTES
Common Response Actions			
Boom			
Sorbents/Snares			
Skimming/vacuuming			
Barriers/Berms/Fences			
Trenching			
Flooding/Flushing			
Oiled Vegetation Removal			
Debris Removal (oiled & unoiled)			
Sediment Removal/Mixing			
Vessel/Container Removal			
Explosives			
Subpart J Countermeasures			
Dispersants			
In Situ Burn			
Solidifiers			
Surface Washing Agents			
Wildlife Response Tactics			
Carcass Collection			
Wildlife Hazing			
Pre-emptive Capture			
Wildlife Capture/Rehab			
Other Options for Consideration			

² As response (actions/tactics) changes, re-evaluation of the consultation is required.

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Pre-Identified GRS, POR, and PS Sites³

TYPE	LOCATIONS(S) SITE IDENTIFIER	REFERENCE FOR PRE-APPROVAL (ACP, ESA sec. 7, etc.)
<i>Example: GRS</i>	<i>Northeast Prince William Sound PWS NE- 27 Granite Cove</i>	<i>Prince William Sound Area Contingency Plan</i>

³ GRS = Geographic Response Strategy, POR = Place of Refuge, PS = Priority Protection Site

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Protected Species Checklist⁴

SPECIES⁵ IN RESPONSE AREA	Check	Critical Habitat in Response Area⁶	Response Likely to Adversely Affect⁷	Response Not Likely to Adversely Affect
Birds				
Short-tailed albatross (STAL)				
Steller's eider (STEI)				
Spectacled eider (SPEI)				
Mammals				
Steller sea lion (STSL) (Western AK)				
Bowhead whale (BOWH)				
Cook Inlet beluga whale (CIBW)				
Ringed seal (RISE)				
Bearded seal (BESE)				
Fin whale (FIWH)				
Humpback whale (HUWH)				
Sperm whale (SPWH)				
Blue whale (BLWH)				
North Pacific right whale (NPRW)				
Sei whale (SEWH)				
Sea otter (SEOT) (Southwest AK)				
Polar bear (POBE)				
Other				

⁴ This table focuses on federally listed threatened or endangered species in coastal, estuarine, and inland areas that may be susceptible to oil spills, but does not identify all federally listed species that could be affected. Other federally listed species not listed in this table should be identified appropriately in rows listed under 'Other'.

⁵ Under the Endangered Species Act of 1973, as amended, the National Marine Fisheries Service (NMFS) is responsible for listed marine mammals other than sea otter, polar bear, and walrus; the U.S. Fish and Wildlife Service (USFWS) is responsible for listed migratory birds, sea otter, polar bear, and walrus.

⁶ USFWS critical habitat metadata can be found on USFWS ECOS Critical Habitat Portal page at:
<http://ecos.fws.gov/crithab/>

⁷ A "Likely to adversely affect" indication is a preliminary estimate based on available information, and is subject to change as more information is received by the Services.

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Check all that apply		ESA Protection Measures ⁸	Implemented? Y / N
Wildlife Observers			
		Deploy Wildlife Observers ⁹ to monitor vessels and aircraft (flying below 1,500 feet over marine waters or shoreline) involved in response. Observers expected to notify vessel captains/pilots about marine mammals to minimize impacts, and record sightings.	
		All responders and Wildlife Observers shall report all sightings of healthy, oiled, or injured wildlife in or near the response area in real time to Wildlife Branch or Environmental Unit.	
Collision Risk & Avoidance			
		Response vessel operators shall avoid close approach (<300-500 feet) to whales and pinnipeds in the water.	
		Vessel speeds shall be reduced to <13 knots when marine mammals sighted within 1,000 feet.	
		Implement vessel and aircraft no-entry buffer zones of 1,500 feet around known or observed marine mammal concentration areas, including seal and sea lion haulouts and rookeries, and migration pathways.	
Acoustic Disturbance / Noise			
		Avoid revving engines or other loud in-water activities exceeding 180 decibels in the marine environment. Use quieter equipment when possible (e.g., use 4-stroke instead of 2-stroke boat motors).	
Shoreside Activities (Harassment and Habitat Modification)			
		Implement 1,500 foot no-entry buffers around known or observed haulouts or rookeries to prevent shoreside responders from chasing animals into the water.	
		Notify all shoreside responders to look for and avoid disturbing (1,500 foot buffer) hauled out pinnipeds.	
Dispersant Use			
		Wildlife Observers will be on all aircraft and vessels associated with dispersant application to ensure dispersant is not deployed on or near wildlife (Dispersant Use Plan states that dispersants will not be applied within 500m of marine mammals).	
		Limit the total amount of dispersant used in a single incident to minimize the risk to pelagic species and their prey.	
		Implement buffer zones around area of high wildlife concentrations (e.g., haulouts or rookeries) to minimize exposure.	
In-Situ Burns			
		Avoid burns near wildlife concentration areas (e.g., pinniped haulouts or whale migratory routes) when large numbers of wildlife are observed or expected to be present, unless wind conditions are expected to direct the smoke plume away from the area of concern.	
		Wildlife Observers will be present to locate species of concern near a proposed burn site, and monitor throughout the activity to ensure that no wildlife approaches or becomes entrained in the fire booming. All wildlife will be reported to the Wildlife Branch or Environmental Unit.	

⁸ Mitigation Measures, Reasonable & Prudent Measures (RPMs), Terms & Conditions, and Conservation Recommendations. Incident-specific mitigation measures are provided to the Unified Command by NMFS (through the emergency ESA section 7 consultation) to minimize the impact of oil spill response activities to species under NMFS's authority, including all of the ESA-species considered in the Unified Plan consultation. The RPMs included, along with their implementing terms and conditions, are designed to minimize the impact of incidental take that might otherwise result from the proposed action. NMFS concludes that the RPMs are necessary and appropriate to minimize or to monitor the incidental take of bowhead whales, humpback whales, Cook Inlet beluga whales, western DPS Steller sea lions, ringed seals, bearded seals, and salmon resulting from the proposed action.

⁹ Sometimes referred to as "Protected Species Observers."

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REQUIRED ESA PROTECTION MEASURES		Implemented? Y / N
Reduce Probability of Exposure		
X	Train and educate. Ensure all USCG and EPA field deployed response personnel, involved with spill response in a manner which may result in incidental take, are given the information needed to enable them to properly assess and protect potentially affected listed species.	
X	The USCG and EPA shall, within their level of discretion and contracting limitations, include as part of any contractual agreement with third parties involved in spill response in a manner which may result in incidental take, terms requiring compliance with Mitigation Measures, Reasonable and Prudent Measures and their corresponding Terms and Conditions.	
X	Conduct Tiered Emergency Consultation with NMFS during incidents when it is determined that ESA-listed species under NMFS's jurisdiction may be affected by response activities.	
Implement a Monitoring and Documentation Program		
	Document effects to listed species, their prey, and habitat used by listed species from the response methods: species affected; habitat area and type; and temporal affects.	

ADDITIONAL IMPLEMENTED ESA PROTECTION MEASURES

FOSC Signature

Date