



Maryland-National Capital Region Area Contingency Plan Annexes

2021.2

Record of Changes

Change Number	Change Description	Section Number	Change Date
1	Renamed “appendices” to “annexes”	All appendices	10JUL2023
2	Moved Appendix 2 – Marine Firefighting Plan into base plan	8000/Appendix 2	10JUL2023
3	Removed irrelevant/unnecessary annexes and renumbered annexes	Annexes 6 and 9	21JUL2023
4	Removed redundancies from list of Cooperating Agencies	Nuclear/Radiological Incident Annex	03AUG2023
5	Replaced Annex 5 with updated RRT3 ESA EFH Section 7 Consultation Guide and Form	Annex 5	19SEP2023

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Annex 5: RRT3 Endangered Species Act and Essential Fish Habitat Biological Evaluation Guidance and Form

Please see Regional Response Team III (RRT3)'s Endangered Species Act (ESA) and Essential Fish Habitat (EFH) Biological Evaluation (BE) Guidance and Form for U.S. Coast Guard Fifth District Coastal Zone on the following pages.



REGIONAL RESPONSE TEAM III (RRT3)

Endangered Species Act (ESA) and Essential Fish Habitat (EFH)
Biological Evaluation (BE) Guidance and Form for
U.S. Coast Guard Fifth District Coastal Zone

Pre-Spill Consultation, Emergency Consultation, and Post-Response Procedures

Appendix 9-A3

February 2022.2

RECORD OF CHANGES

Maintenance of this plan is the responsibility of the Regional Response Team III (RRT3) Consultation, Natural Resources, and Damage Assessment (CNRDA) Workgroup. Minor changes may be made periodically, and an update and review will be conducted at least once per year, at a minimum, to validate points of contact. The most current version of the plan will be posted on the RRT3 Website under the Regional Contingency Plan (RCP) Appendix 9 and the USCG District 5 District Response Advisory Team (D5 DRAT) Sharepoint site.

FEBRUARY 2022 EDITION

Change Number	Date of Change/Review	Person & Agency Making Change	Description of Change/Update
2022.1	08 DEC 2022	Elisha Cook, USCG D5 DRAT	Added a Record of Changes table. Validated & updated Section 7 POCs in Enclosure 1.
2022.2	24 MAR 2023	Elisha Cook, USCG D5 DRAT	Validated & updated Section 7 POCs in Enclosure 1 for North Carolina.
2022.3			
2022.4			
2022.5			
2022.6			
2022.7			
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2022.10			
2022.11			
2022.12			
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2022.14			
2022.15			

Endangered Species Act and Essential Fish Habitat Consultation Guidance for Coastal Zone

The U.S. Coast Guard (USCG) Fifth District units will use this biological evaluation (BE) form to conduct Endangered Species Act (ESA) Section 7 and Essential Fish Habitat (EFH) consultation with the Department of Commerce National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), and U.S. Department of the Interior's (DOI) U.S. Fish and Wildlife Service (USFWS). These agencies are referred to as "the Services." This form will be used to cover oil spill and/or hazardous substance response actions within the Fifth Coast Guard District coastal zone, which includes Delaware, District of Columbia, Maryland, portions of New Jersey, North Carolina, portions of Pennsylvania, and Virginia.

Background and Purpose

The purpose of this document is to help the Federal On-Scene Coordinator (FOSC) determine whether to initiate ESA consultation and EFH coordination in accordance with 50 CFR § 402.05 and 50 CFR § 600.920(a)(1) and to assist the FOSCs through the process.

The FOSC should check the following databases and contacts for each of the Services to help identify the presence of federally listed threatened or endangered species or designated Critical Habitats or EFH:

- Environmental Response Management Application (ERMA): <https://erma.noaa.gov/atlantic#/>
 - Geographic Response Strategies (GRS): Located in ERMA under 'Response Planning – Area Contingency Plans – Sector [Delaware Bay, Maryland NCR, Hampton Roads, North Carolina]'
 - NOAA Environmental Sensitivity Index (ESI) Maps: Located in ERMA under 'Natural Resources, Habitats, & Managed Areas – Environmental Sensitivity Index'
- NOAA ESA Species Matrix: Posted on RRT III website at https://www.nrt.org/site/doc_list.aspx?site_id=72
- Greater Atlantic Region ESA Section 7 Mapper: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-critical-habitat-information-maps-greater>
- EFH Mapper: <https://www.habitat.noaa.gov/apps/efhmapper/>
- Atlantic Marine Assessment Program for Protected Species (AMAPPS) Marine Mammal Model Viewer: <https://apps-nefsc.fisheries.noaa.gov/AMAPPSviewer/>
- Information for Planning and Consultation (IPaC) within the USFWS Environmental Conservation Online System (ECOS): <https://ecos.fws.gov/ipac/>

The FOSC should then evaluate response actions and their potential impacts, if any, on federally listed threatened or endangered species or designated Critical Habitats or EFH. The scope of the consultation is focused on the agency's response actions during an incident, **NOT** the incident itself.

The three ESA thresholds, which are used to determine action necessary by the FOSC, are:

- (1) **No Effect** (none at all, negative or positive);
- (2) **May Affect**; Not Likely to Adversely Affect, (NLAA); and
- (3) **May Affect; Likely to Adversely Affect** (LAA).

The two EFH thresholds, which are used to determine action necessary by the FOSC, are:

- (1) **Would Not Adversely Affect** (WNAA); and
- (2) **May Adversely Affect** (MAA).

Whenever an FOSC makes a determination that federal response actions **may affect** ESA-listed (threatened or endangered) species and/or designated Critical Habitat or **may adversely affect** EFH, **the action agency shall initiate consultation protocols.** For emergency consultation, the FOSC shall initiate this consultation, as soon as practicable, via verbal or email notification. The form shall be sent via email to the Services after the consultation is initiated.

Responders should not delay emergency response actions while awaiting a response from the Services. If the FOSC determines consultations are not practicable during emergency response operations, refer to the NRT's Post-Response Procedures guidance for ESA Section 7 and EFH compliance requirements.

Depending on the scale and scope of emergency response actions, pre-spill planning consultations can minimize the level of effort of emergency consultation(s) and, in certain circumstances, even alleviate the need for emergency consultation(s). If pre-spill planning consultations were completed with the Services, BMPs may be incorporated into the GRSs, Area Contingency Plans (ACP), and Regional Contingency Plans (RCP).

More guidance regarding Section 7 consultation can be found in the 2001 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 (2001 MOA) and the NRT's National Environmental Compliance (NEC) Subcommittee ESA guidance page at NRT.org¹. The 2001 MOA provides a framework for cooperation and participation among parties involved in oil spill planning and response. It outlines procedures to streamline ESA compliance process before, during, and after an incident. EFH consultations should be completed simultaneously with ESA Section 7 consultations. Additional NMFS ESA Section 7 consultation guidance can be found on the [Greater Atlantic Region](#)² site and for USFWS guidance can be found on the [Northeast Region](#)³ site.

For all Section 7 Consultations

The regional NOAA SSC and/or DOI Regional Environmental Officer **shall** be informed whenever the FOSC engages in emergency consultation with the Services.

The NOAA SSC may be able to facilitate communications between the USCG and the Services; however, it is the sole responsibility of the FOSC to initiate, conduct, and complete the consultation.

The DOI Regional Environmental Officer may also be able to facilitate communications between the action agencies and USFWS.

U. S. Coast Guard (USCG) District Incident Management and Preparedness Advisors (IMPAs) and District Response Advisory Teams (DRATs) are excellent resources for all required consultations (ESA, EFH, State Historic Preservation Office (SHPO), and Tribal Historic Preservation Office (THPO)).

The USCG IMPA and DRAT are available 24/7 via District command centers.

¹ National Response Team (NRT) National Environmental Compliance (NEC) Homepage link:
[https://nrt.org/Main/Resources.aspx?ResourceType=Endangered%20Species%20Act%20\(ESA\)%20Section%207&ResourceSection=2](https://nrt.org/Main/Resources.aspx?ResourceType=Endangered%20Species%20Act%20(ESA)%20Section%207&ResourceSection=2)

² NMFS Greater Atlantic Region Section 7 Consultations link:
<https://www.greateratlantic.fisheries.noaa.gov/protected/section7/index.html>

³ USFWS Northeast Region Section 7 Consultation link:
<https://www.fws.gov/northeast/EcologicalServices/federalconsultation.html>

Note: This is a guidance document only. Units are encouraged to suggest modifications to this document to the RRT3's Consultation, Natural Resources, and Damage Assessment (CNRDA) Workgroup.

FOR FURTHER GUIDANCE WITHIN THE USCG, PLEASE CONSULT WITH:

U.S. Coast Guard Natural Resources, COMDTINST 5090.3A (series)

Commanding Officer's Environmental Guide, COMDTPUB P5090.1 (series)

ESA/EFH Consultation Form

Section 7 primary points of contact for RRT3 coastal zone area of responsibility and North Carolina (under USCG District 5) are included in Enclosure (1). The Section 7 Consultation Form is included as Enclosure (2).

When used for emergency consultation this form is intended to provide as much detailed information as possible to the Services within 48 hours of the federal action agency undertaking emergency response actions. It is not intended to be comprehensive, and **responders should not delay emergency response actions while awaiting a response from the Services**. This form assists FOSCs in meeting their statutory obligations to conduct emergency consultation under Section 7 of the ESA and/or designated EFHs. This form is also designed to document communication efforts between the Action Agencies and the Services as well as provide a consistent template for use in compiling relevant information and recommendations during emergency response operations.

Note: The Services will review the supplied information and respond with Best Management Practices (BMP) to mitigate potential impacts to any ESA-listed (threatened or endangered) species and/or designated Critical Habitat and/or EFH. The measures and BMPs are then incorporated into response actions and specialists may be brought into the response to provide additional oversight and guidance via Pollution Removal Funding Authorization (PRFA).

Once this form is submitted, the Services will consider the proposed response actions and use ENCLOSURE 2: DOCUMENTATION OF ESA SECTION 7 AND EFH EMERGENCY CONSULTATION DURING EMERGENCY RESPONSE ACTIVITIES – USFWS/NMFS RESPONSE to provide recommendations, which may include information on species and designated Critical Habitats in the area, suggested conservation measures / best management practices, etc.

Enclosures

- (1) Section 7 Primary Points of Contact
- (2) ESA Section 7 / EFH Consultation Form
 - Section I – FOSC Response Activities
 - Section II – Service Response

**ENCLOSURE 1: SECTION 7 PRIMARY POINTS OF CONTACT
RRT3 COASTAL ZONE AREA OF RESPONSIBILITY****NOAA SSC for RRT3**

Mr. Frank Csulak
NOAA
61 Inlet Drive
Point Pleasant, New Jersey 08742
Phone: (732) 371-1005
After Hours Number: (206) 526-4911
E-mail: frank.csulak@noaa.gov

NOAA NMFS Representative for RRT3

NOAA Greater Atlantic Regional Fisheries
Office
55 Great Republic Drive
NOAA Fisheries Service
Gloucester, Massachusetts 01930
Phone: (978) 281-9300
E-mail: nmfs.gar.garfo@noaa.gov

USFWS Representatives for RRT3**Response Coordinator for MD, Western
PA, VA, WV and DC**

Ms. Jo Ann Banda
U.S. Fish and Wildlife Service
Virginia Field Office
6669 Short Lane
Gloucester, Virginia 23061
Phone: (804) 824-2413
Cell: (804) 694-7647
E-mail: joann_banda@fws.gov

**Response Coordinator for NJ, NY, DE,
Eastern PA (Delaware Watershed)**

Ms. Sarah Scheaffer
U.S. Fish and Wildlife Service
New Jersey Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, New Jersey 08205
Phone: (609) 833-1476
E-mail: sarah_scheaffer@fws.gov

New England Area

Mr. Andrew Major
U.S. Fish and Wildlife Service
70 Commercial Street, Suite 300
Concord, New Hampshire 03301
Cell: (603) 748-8082
E-mail: Andrew_major@fws.gov

DOI Representative for RRT3

Mr. John Nelson
Office of Environmental Policy and Compliance
U.S. Department of the Interior
Phone: (215) 597-5012
Cell: (215) 266-5155
E-mail: john_nelson@ios.doi.gov

NORTH CAROLINA COASTAL ZONE ONLY**NOAA SSC for Sector North Carolina**

Mr. Frank Csulak
NOAA
61 Inlet Drive
Point Pleasant, New Jersey 08742
Phone: (732) 371-1005
After Hours Number: (206) 526-4911
E-mail: frank.csulak@noaa.gov

NOAA NMFS Representative for Sector North Carolina

NOAA Southeast Regional Office
263 13th Avenue South
NOAA Fisheries Service
St. Petersburg, Florida 33701
Phone: (727) 824-5312
E-mail: nmfs.ser.esa.consultations@noaa.gov

USFWS Representatives for Sector North Carolina

Mr. Brian Spears, Regional Spill Response Coordinator
U.S. Fish and Wildlife Service
Phone: (251) 928-9765
Cell: (251) 284-5295
E-mail: brian_spears@fws.gov

DOI Representative for Sector North Carolina

Ms. Joyce A. Stanley, MPA
Regional Environmental Officer
U.S. Department of the Interior
Office of Environmental Policy and Compliance
Phone: (404) 331-4524
Cell: (404) 852-5415
Fax: (404) 331-1736
E-mail: joyce_stanley@ios.doi.gov

ENCLOSURE 2: ESA SECTION 7 / EFH CONSULTATION FORM

This form will be utilized by the U.S. Coast Guard (USCG) Federal On-Scene Coordinator (FOSC) for pre-spill, emergency, and post-response Endangered Species Act (ESA) Section 7 consultations. It will be filled out by the USCG and used by the Department of the Interior’s (DOI) U.S. Fish & Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) to review response actions for potential impacts to federally listed species. The form provides information to initiate and conclude emergency consultations under ESA §7 and to document (1) a “No Effect” determination, (2) to request technical assistance, or (3) to document up to the May Affect, Not Likely to Adversely Affect threshold. Additionally, information beyond this form may be required by the Services.

FOSCs (or their designated representative) should complete Section I after initial notification is made to the Services. Section I should be filled out with the best available information accounting for all response actions taken or being considered. For emergency consultations, only tables A – E must be completed prior to forwarding to the Services. FOSCs may work with Service representatives during the emergency consultation process to determine the presence and effects to species/habitats and implementation of conservation measures in Tables F - L. **Section II is intended to be submitted blank to the Services, so the Services can both acknowledge the request for consultation as well as begin to consider the FOSC’s actions or proposed actions during the emergency response.** This form should also be used to provide updates to the Services as the incident evolves and FOSC actions are adjusted based on operational objectives. When needed and applicable, this form will also be completed to inform and evaluate additional needs for compliance with the following authorities: Magnuson-Stevens Fishery Conservation and Management Act (for Essential Fish Habitat [EFH]), Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA).

SECTION I. FOSC RESPONSE ACTIVITIES

<input type="checkbox"/> Initial Report [Date] <input type="checkbox"/> Updated Report [Date]		
FROM: USCG FOSC Insert USCG FOSC Unit	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.
TO: USFWS Office	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.
TO: NMFS ESA Office	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.
TO: NMFS EFH Office	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.
COPY: NOAA Scientific Support Coordinator	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.
COPY: DOI Regional Environmental Officer	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.
COPY: Fifth District Response Advisory Team	Name: David Pugh Email: David.E.Pugh1@uscg.mil	T: (757) 398-6376 C: (757) 373-4133
	Name: Elisha Cook Email: Elisha.FS.Cook@uscg.mil	T: (757) 398-7780 C: (757) 630-1430
COPY: EPA On-Scene Coordinator for Region	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.

A. CONSULTATION DETAILS	
Name of Unit Requesting Consultation	Click or tap here to enter text.
Type of Consultation Requested	Select consultation type from dropdown menu.
FOSC	Rank/Name Email Phone Number
FOSCR	Rank/Name Email Phone Number
Person Completing Form	Rank/Name Email Phone Number
Date Form Initially Completed	Date
Date Consultation / Technical Assistance Completed	Date
Are there previously completed ESA consultation documents that are applicable to this area / action (e.g., dispersants, in-situ burning, surface washing agents)	<input type="checkbox"/> Yes <input type="checkbox"/> No List any previous consultations documents.

B. INCIDENT / EVENT DETAILS	
Name of Incident	Incident Name
Date of Incident	Enter Date
Type of Incident / Event (e.g., vessel grounding, vessel collision, pipeline, transfer, training/exercise)	Click or tap here to enter text.
Product(s) Released / Discharged	Click or tap here to enter text.
Volume Released / Discharged (in gallons)	Enter volume in gallons.
Potential Volume (in gallons)	Enter volume in gallons.
Has the release / discharge been stopped, ongoing, or is status unknown?	Click or tap here to enter text.
Is the released / discharge contained, spreading, or is the status unknown?	Click or tap here to enter text.
Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83; online conversion: https://www.fcc.gov/media/radio/dms-decimal])	Latitude°N Longitude°W Choose Datum
Location (nearest landmark / town)	Click or tap here to enter text.
Location Type (check all that apply below) <input type="checkbox"/> Port / Industrial / Canal <input type="checkbox"/> Riverine <input type="checkbox"/> Inshore / Estuarine <input type="checkbox"/> Nearshore / Coastal <input type="checkbox"/> Offshore / EEZ <input type="checkbox"/> Lake / Lacustrine (freshwater) <input type="checkbox"/> Wetland (freshwater)	Click or tap here to enter text.
Please attach any maps, aerial photographs, or additional information that will support the information in this consultation form. Examples of such supporting documentation include, but are not limited to: <ul style="list-style-type: none"> • Aerial images of response action area and surrounding area. 	

B. INCIDENT / EVENT DETAILS

- Map of response action area with elements proposed (polygons showing proposed response action elements).
- Map of response action area with critical habitat units or sensitive habitats overlay (e.g., seagrass beds, Essential Fish Habitat, etc.).

C. INCIDENT AND RESPONSE ACTIONS

Describe the incident/event and proposed response action objectives.
 Describe in detail the equipment and methods needed; the anticipated schedule (e.g., days, weeks, months) for each phase of the response; long-term vs. short-term impacts; duration of short-term impacts; dust, erosion, and sedimentation controls; restoration areas; whether the response actions are part of a larger action or plan; and what approvals will need to be obtained. Attach the ICS-201 and other ICS forms as applicable.

Click or tap here to enter text.

Action (check all that apply)	Details / Notes (Provide any additional pertinent details and note whether the actions have been taken or are being considered).
<input type="checkbox"/> Barriers / Berms / Fences / Dams	Click or tap here to enter text.
<input type="checkbox"/> Booming (Containment / Exclusion – provide details in notes)	Click or tap here to enter text.
<input type="checkbox"/> Culvert Blocking	Click or tap here to enter text.
<input type="checkbox"/> Dispersants	Click or tap here to enter text.
<input type="checkbox"/> Elasticity Modifiers	Click or tap here to enter text.
<input type="checkbox"/> Emulsifying Agents	Click or tap here to enter text.
<input type="checkbox"/> Flooding / Flushing	Click or tap here to enter text.
<input type="checkbox"/> In-situ Burning	Click or tap here to enter text.
<input type="checkbox"/> Manual Oil Removal / Cleaning	Click or tap here to enter text.
<input type="checkbox"/> Natural Attenuation (indicate with or without monitoring in the notes)	Click or tap here to enter text.
<input type="checkbox"/> Net Use or Trawling	Click or tap here to enter text.
<input type="checkbox"/> Nutrient Enrichment / Bioremediation	Click or tap here to enter text.
<input type="checkbox"/> Oiled Vegetation Cutting / Removal	Click or tap here to enter text.
<input type="checkbox"/> Oiled Debris Removal	Click or tap here to enter text.
<input type="checkbox"/> Physical Herding	Click or tap here to enter text.

C. INCIDENT AND RESPONSE ACTIONS	
<input type="checkbox"/> Pre-oiling Debris Removal	Click or tap here to enter text.
<input type="checkbox"/> Sand Blasting	Click or tap here to enter text.
<input type="checkbox"/> Sand Cleaning (non-chemical)	Click or tap here to enter text.
<input type="checkbox"/> Sediment Removal / Dredging	Click or tap here to enter text.
<input type="checkbox"/> Sediment Reworking / Tilling	Click or tap here to enter text.
<input type="checkbox"/> Shoreline Assessment	Click or tap here to enter text.
<input type="checkbox"/> Shoreline Cleaning	Click or tap here to enter text.
<input type="checkbox"/> Skimming	Click or tap here to enter text.
<input type="checkbox"/> Solidifiers	Click or tap here to enter text.
<input type="checkbox"/> Sorbents (specify type in notes - e.g., sausage, pom-pom, particulate: bagasse, peat moss, natural/ organic, etc.)	Click or tap here to enter text.
<input type="checkbox"/> Staging Areas / Access Points (indicate if existing or to be created)	Click or tap here to enter text.
<input type="checkbox"/> Steam Cleaning	Click or tap here to enter text.
<input type="checkbox"/> Surface Washing Agent / Chemical Shoreline Cleaners	Click or tap here to enter text.
<input type="checkbox"/> Surface Collecting Agents / Herders	Click or tap here to enter text.
<input type="checkbox"/> Trenching	Click or tap here to enter text.
<input type="checkbox"/> Vacuuming	Click or tap here to enter text.
<input type="checkbox"/> Vessel / Container Removal	Click or tap here to enter text.
Wildlife Response Actions <input type="checkbox"/> Aerial Surveys <input type="checkbox"/> Vessel Surveys <input type="checkbox"/> Capture and Relocation <input type="checkbox"/> Capture and Rehabilitation <input type="checkbox"/> Deterrence / Hazing <input type="checkbox"/> Nest Protection <input type="checkbox"/> Necessary Holding Location <input type="checkbox"/> Other	Click or tap here to enter text.
<input type="checkbox"/> OTHER (description in notes)	Click or tap here to enter text.

D. VESSELS / VEHICLES	
Vessel / Vehicle (check all that apply)	Details / Notes (Provide any additional pertinent details and note whether the actions have been taken or are being considered).
<input type="checkbox"/> Airplanes	Click or tap here to enter text.
<input type="checkbox"/> All-Terrain Vehicles (ATVs)	Click or tap here to enter text.
<input type="checkbox"/> Boats / Airboats	Click or tap here to enter text.
<input type="checkbox"/> Drones / Unmanned Aerial Systems (UASs)	Click or tap here to enter text.
<input type="checkbox"/> Heavy Equipment	Click or tap here to enter text.
<input type="checkbox"/> Helicopters	Click or tap here to enter text.
<input type="checkbox"/> Staging Areas	Click or tap here to enter text.
<input type="checkbox"/> Truck or other automobile	Click or tap here to enter text.
<input type="checkbox"/> OTHER (description in notes)	Click or tap here to enter text.

E. RESPONSE ACTION AREA / HABITAT TYPES		
<p>Provide a description of the existing environment (e.g., vegetation type, substrate type, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction) and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the response action(s). If possible, provide name of waterbody in the “Details / Notes” column.</p> <p>The information provided in this section will be used in both ESA Emergency Consultation and Essential Fish Habitat (EFH) analyses, so please provide additional information to the maximum extent practicable, particularly if there is an EFH Habitat Areas of Particular Concern (HAPC) that may be found in the response action area. The Essential Fish Habitat Mapper tool may be used to identify EFH and/or HAPCs in the action area: https://www.habitat.noaa.gov/apps/efhmapper/efhreport/</p>		
Click or tap here to enter text.		
Habitat Type (check <u>all</u> that occur in the response action area)	Habitat Exposed / Not Exposed to response action(s)?	Details / Notes (Provide details on response actions occurring in identified habitats)
<input type="checkbox"/> Artificial Reefs (including oyster reefs)	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Beach	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Coastal Lagoon	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Corals	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Dune	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Emergent Marsh	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.

E. RESPONSE ACTION AREA / HABITAT TYPES		
<input type="checkbox"/> Freshwater <input type="checkbox"/> Intermediate <input type="checkbox"/> Brackish <input type="checkbox"/> Saltwater		
<input type="checkbox"/> Forested Wetland (swamp)	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Intertidal Sand / Mud / Algal Flats	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Lake / Lacustrine (freshwater)	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Marine (open water)	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Marsh (tidal / salt)	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Riverine / Riparian (freshwater)	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Rocky Intertidal	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Submerged Aquatic Vegetation	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> Wetland (freshwater)	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> OTHER (list below) Enter habitat type.	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.
<input type="checkbox"/> OTHER (list below) Enter habitat type.	<input type="checkbox"/> Exposed <input type="checkbox"/> Not Exposed	Click or tap here to enter text.

F. NMFS THREATENED / ENDANGERED SPECIES & CRITICAL HABITAT EFFECTS DETERMINATION REQUESTED (Optional to complete prior to Emergency Consultation)
<p>Identify all species and critical habitat under NMFS jurisdiction that may be found in the response action area.</p> <ul style="list-style-type: none"> For Sector Delaware Bay, Maryland-NCR, or Virginia refer to the Greater Atlantic Region ESA Section 7 Mapper to identify ESA-listed species and critical habitat in the action area: https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-critical-habitat-information-maps-greater For Sector North Carolina refer to the South Atlantic Species and Critical Habitat List: https://www.fisheries.noaa.gov/southeast/consultations/north-carolina <p>If all consequences of proposed response actions occur in a location that does not contain any listed or proposed NMFS species or designated/proposed critical habitats, OR if those response actions and their effects have been covered under previous existing consultations, please check the appropriate box below. If one of these boxes is checked, you may skip this section.</p>

**F. NMFS THREATENED / ENDANGERED SPECIES
& CRITICAL HABITAT EFFECTS DETERMINATION REQUESTED**
(Optional to complete prior to Emergency Consultation)

- All direct and indirect effects of the proposed response actions occur in a location that does not contain any listed or proposed NMFS species or designated/proposed critical habitats.
- All direct and indirect effects of the proposed response actions have been accounted for under an existing ESA Section 7 consultation.

Threatened / Endangered Species	Critical Habitat	Determinations (see definitions below)	For "No Effect" select justification
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
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<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.

Determination Definitions (applicable to both species and designated critical habitat determinations):
NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed or proposed species or designated/proposed critical habitat.
NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed or proposed species or designated/proposed critical habitat, or there may be beneficial effects to these resources. The USCG would request the Services to concur with the not likely to adversely affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency’s determination of "is not likely to adversely affect" listed species or critical habitat, the §7 consultation process is completed.
LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed or proposed species or designated/proposed critical habitat. The USCG would request formal

**F. NMFS THREATENED / ENDANGERED SPECIES
& CRITICAL HABITAT EFFECTS DETERMINATION REQUESTED
(Optional to complete prior to Emergency Consultation)**

consultation with the Services for a response action(s) with a likely to adversely affect determination; the Services' response would be a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its cumulative effects, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal §7 consultation and will require additional information.

**G. USFWS THREATENED / ENDANGERED SPECIES
& CRITICAL HABITAT EFFECTS DETERMINATION REQUESTED
(Optional to complete prior to Emergency Consultation)**

Identify all species and critical habitat under USFWS jurisdiction that may be found in the response action area.

- The USFWS Information for Planning and Consultation (IPaC) tool may be used to identify ESA-listed species and critical habitat in the action area: <https://ecos.fws.gov/ipac/>

If all consequences of proposed response actions occur in a location that does not contain any listed or proposed USFWS species or designated/proposed critical habitats, OR if those response actions and their effects have been covered under previous existing consultations, please check the appropriate box below. If one of these boxes is checked, you may skip this section.

- All direct and indirect effects of the proposed response actions occur in a location that does not contain any listed or proposed USFWS species or designated/proposed critical habitats.
- All direct and indirect effects of the proposed response actions have been accounted for under an existing ESA Section 7 consultation.

Threatened / Endangered Species	Critical Habitat	Determinations (see definitions below)	For "No Effect" select justification
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
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<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
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<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.

**G. USFWS THREATENED / ENDANGERED SPECIES
& CRITICAL HABITAT EFFECTS DETERMINATION REQUESTED
(Optional to complete prior to Emergency Consultation)**

<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.

Determination Definitions (applicable to both species and designated critical habitat determinations):
NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed or proposed species or designated/proposed critical habitat.
NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed or proposed species or designated/proposed critical habitat, or there may be beneficial effects to these resources. The USCG would request the Services to concur with the not likely to adversely affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency’s determination of "is not likely to adversely affect" listed species or critical habitat, the §7 consultation process is completed.
LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed or proposed species or designated/proposed critical habitat. The USCG would request formal consultation with the Services for a response action(s) with a likely to adversely affect determination; the Services’ response would be a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its cumulative effects, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal §7 consultation and will require additional information.

**H. ESSENTIAL FISH HABITAT AREAS OF PARTICULAR CONCERN
EFFECTS DETERMINATION REQUESTED
(Optional to complete prior to Emergency Consultation)**

Identify all EFH species and Habitat Areas of Particular Concern (HAPC) that may be found in the response action area.

- The Essential Fish Habitat Mapper tool may be used to identify EFH and/or HAPCs in the action area: <https://www.habitat.noaa.gov/apps/efhmapper/efhreport/>

If all consequences of proposed response actions occur in a location that does not contain any EFH species or HAPCs, OR if those response actions and their effects have been covered under previous existing consultations, please check the appropriate box below. If one of these boxes is checked, you may skip this section.

All direct and indirect effects of the proposed response actions occur in a location that does not contain any EFH species or HAPCs.

**H. ESSENTIAL FISH HABITAT AREAS OF PARTICULAR CONCERN
EFFECTS DETERMINATION REQUESTED
(Optional to complete prior to Emergency Consultation)**

All direct and indirect effects of the proposed response actions have been accounted for under an existing EFH consultation.

EFH Species	HAPCs	Determinations (see definitions below)	For “Would not adversely affect” select justification
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
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<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.
<input type="checkbox"/> List species.	<input type="checkbox"/>	Select a determination.	Select most appropriate.

Determination Definitions (applicable to both EFH and HAPC determinations):
WNAA = would not adversely affect. Would not adversely affect is the appropriate determination if the response action and the stressors of that action would not affect EFH.
MAA = may adversely affect. Adverse Effects are anything that changes the quality or quantity of EFH.

**I. EFFECTS OF RESPONSE ACTIONS & MEASURES TO REDUCE
IMPACTS TO LISTED SPECIES AND CRITICAL HABITATS
(Optional to complete prior to Emergency Consultation)**

Explain the potential beneficial and adverse effects to each species and/or critical habitats identified in the above tables.
 Describe what, when, and how the species and/or critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts, and where possible, quantify those effects. If species are present (or potentially present) and will not be adversely affected, describe your rationale. If species are unlikely to be present in the general area or action area, explain why. Describe your

I. EFFECTS OF RESPONSE ACTIONS & MEASURES TO REDUCE IMPACTS TO LISTED SPECIES AND CRITICAL HABITATS
(Optional to complete prior to Emergency Consultation)

rationale if designated or proposed critical habitats are present and will not be adversely affected. This justification provides documentation for your administrative record, avoids the need for additional correspondence, and helps expedite review.

NOTE: Species selected as “No Effect” with justification in the above tables do not need to be addressed.

Click or tap here to enter text.

Explain the measures taken to reduce adverse effects to the species identified above.

For each species for which impacts were identified, describe any conservation measures (e.g., best management practices [BMPs]) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed actions and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

Click or tap here to enter text.

Frequently Recommended BMPs

This checklist provides standard BMPs recommended by NMFS and USFWS or developed in coordination with the Services. Please select any BMPs that will be implemented (website links to BMPs are provided below).

<input type="checkbox"/> Environmental BMPs for Oil Spill Response in Regional Response Team 3 Coastal Zone	[placeholder for link to document on RRT III website]
<input type="checkbox"/> NMFS EFH BMPs for Certain Response Activities to Accidental Discharges of Oil and Other Hazardous Materials in the Southeastern United States	https://media.fisheries.noaa.gov/dam-migration/sero_hazmat_bmps.pdf
<input type="checkbox"/> NMFS Marine Life Viewing Guidelines and Distances	https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines#guidelines-&-distances
<input type="checkbox"/> NMFS Measures for Reducing the Entrapment Risk to Protected Species	https://media.fisheries.noaa.gov/dam-migration/entrapment_bmps_final.pdf
<input type="checkbox"/> NMFS Sea Turtle Handling and Resuscitation Requirements	https://media.fisheries.noaa.gov/dam-migration/sea_turtle_handling_and_resuscitation_measures.pdf
<input type="checkbox"/> NMFS Sturgeon Resuscitation Guidelines	https://media.fisheries.noaa.gov/dam-migration/sturgeon_resuscitation_card_06122020_508.pdf
<input type="checkbox"/> NMFS Vessel Strike Avoidance Measures and Reporting for Mariners	https://media.fisheries.noaa.gov/dam-migration/vessel_strike_avoidance_february_2008.pdf
<input type="checkbox"/> USFWS Avoidance and Minimization Measures for Piping Plover and Red Knot for Shoreline Activities	https://www.fws.gov/southeast/pdf/best-management-practice/piping-plover-and-red-knots-for-shoreline-activities-in-louisiana.pdf

I. EFFECTS OF RESPONSE ACTIONS & MEASURES TO REDUCE IMPACTS TO LISTED SPECIES AND CRITICAL HABITATS (Optional to complete prior to Emergency Consultation)	
<input type="checkbox"/> USFWS Standard Manatee In-Water Conditions	https://www.fws.gov/southeast/pdf/guidelines/standard-manatee-conditions.pdf
<input type="checkbox"/> National Response Team General BMPs or Conservation Measures (Appendix D)	https://www.nrt.org/sites/2/files/Pre-Spill_BEOutline_%20updated%2031Oct2018%20FINAL.docx
<input type="checkbox"/> Caribbean Regional Response Team BMPs for Oil Spill Response Operations	https://nrt.org/sites/33/files/App%207%20CRRT%20Compilation%20of%20BMPs%20Revised%204_2020.pdf
<input type="checkbox"/> OTHER (list below) Name of BMP.	Provide a link to BMP.

J. MARINE MAMMALS (Optional to complete prior to Emergency Consultation)	
<p>The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals. The MMPA allows limited exceptions to the take prohibition, if authorized, such as the incidental take of marine mammals. The Atlantic Marine Assessment Program for Protected Species (AMAPPS) Marine Mammal Model Viewer (https://apps-nefsc.fisheries.noaa.gov/AMAPPSviewer/) maps marine life sightings and ocean conditions to help inform marine resource management decisions. The maps use whale, dolphin, and porpoise sightings data and can be used to predict marine mammal densities.</p>	
Marine Mammals that <i>may be</i> present within the response action area	Details / Notes (If applicable, indicate and describe the species that may be present in the response action area)
Dolphins <input type="checkbox"/> Yes <input type="checkbox"/> No	Click or tap here to enter text.
Manatees <input type="checkbox"/> Yes <input type="checkbox"/> No	Click or tap here to enter text.
Porpoise <input type="checkbox"/> Yes <input type="checkbox"/> No	Click or tap here to enter text.
Seals <input type="checkbox"/> Yes <input type="checkbox"/> No	Click or tap here to enter text.
Whales <input type="checkbox"/> Yes <input type="checkbox"/> No	Click or tap here to enter text.
<p>The following questions are designed to allow the NMFS and/or USFWS to quickly determine if response actions have the potential to result in take to marine mammals. If the information provided indicates that incidental take is possible, further discussion with the NMFS and/or USFWS <u>is required</u>.</p> <p>(a) Is your action occurring in or on marine or estuarine waters? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) If yes, is your action likely to cause large-scale, ecosystem level impacts to the quality (e.g., salinity, temperature) of marine or estuarine waters? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(c) If yes, describe actions further using checkboxes in the table below. Does your action involve any of the following:</p>	

J. MARINE MAMMALS (Optional to complete prior to Emergency Consultation)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz
<input type="checkbox"/> Yes <input type="checkbox"/> No	In-water construction or demolition
<input type="checkbox"/> Yes <input type="checkbox"/> No	Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)
<input type="checkbox"/> Yes <input type="checkbox"/> No	In-water explosive detonation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Aquaculture
<input type="checkbox"/> Yes <input type="checkbox"/> No	Restoration of barrier islands, levee construction, or similar projects
<input type="checkbox"/> Yes <input type="checkbox"/> No	Fresh-water river diversions
<input type="checkbox"/> Yes <input type="checkbox"/> No	Building or enhancing areas for water-related recreational use or fishing opportunities (e.g., fishing piers, bridges, boat ramps, marinas)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Dredging or in-water construction actions to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.
<input type="checkbox"/> Yes <input type="checkbox"/> No	Conducting driving of sheet piles or pilings
<input type="checkbox"/> Yes <input type="checkbox"/> No	Use of floating pipeline during dredging actions
If you checked “Yes” to any of the actions immediately above, or if the action <i>could impact</i> the quality of marine or estuarine waters, please describe the nature of the actions in more detail or indicate which section of the form already includes these descriptions.	
Click or tap here to enter text.	
If not already identified in Table I, please describe any additional BMPs or conservation measure that may be implemented for marine mammals.	
<input type="checkbox"/> OTHER (list below) Name of BMP.	Provide a link to BMP.
<input type="checkbox"/> OTHER (list below) Name of BMP.	Provide a link to BMP.

K. BALD EAGLES (Optional to complete prior to Emergency Consultation)	
Are bald eagles present in the response area? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If YES, the following conservation measures should be implemented per the National Bald Eagle Management Guidelines: https://www.fws.gov/northeast/ecologicalservices/eagle.html	
<ul style="list-style-type: none"> • If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all actions (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is no line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months). • If a similar action (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated action. 	

K. BALD EAGLES (Optional to complete prior to Emergency Consultation)
<ul style="list-style-type: none"> • If a vegetated buffer is present and there is no line of sight to the nest and a similar action is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated action. • In some instances, actions conducted at a distance greater than 660 feet of a nest may result in disturbance. If an action appears to cause initial disturbance, the action shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors. • For additional information, contact the Northeast Division of Migratory Birds, Permit Branch, Eagle Coordinator. Contact information for the USFWS Northeast Division of Migratory Birds can be found at: https://www.fws.gov/northeast/migratorybirds/contactus.html. <p>Will you implement the above measures? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If these measures cannot be implemented, then you must contact the Service’s Migratory Bird Permit Office.</p> <ul style="list-style-type: none"> • Permit Office for District of Columbia, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia: (413) 253-8643 or by email: permitsR5MB@fws.gov • Permit Office for North Carolina: (404) 679-7070 or by email: permitsR4MB@fws.gov

L. MIGRATORY BIRDS (Optional to complete prior to Emergency Consultation)
<p>Shorebirds, coastal marsh birds, and marine birds can be found throughout the coastal zone. In accordance with the Migratory Bird Treaty Act of 1918 (as amended) and Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), please be advised that proposed response actions may be located in habitats which are commonly inhabited by these important species.</p> <p>Although several surveys have been conducted to determine the location of nesting colonies, the USFWS recommends that a qualified biologist inspect the proposed response area for the presence of nesting colonies during the nesting season since they may change locations year-to-year.</p> <ul style="list-style-type: none"> • For general information regarding migratory birds: https://www.fws.gov/northeast/migratorybirds/. • For information regarding which bird species may be present in the area, please visit: https://ebird.org/explore. • For USFWS general conservation measures to avoid and minimize impacts to birds: https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php • The Mid-Atlantic coast provides critical year-round habitats for shorebirds and is part of the Atlantic Flyway. The most important habitats are the outer coastal strand of beaches, inlets, tidal flats, and saltmarsh. Providing and maintaining quality nesting, migration stopover, and wintering sites in the southeastern U.S. is extremely important for population health and stability of Atlantic Flyway shorebird populations. The focal geographic area includes the important spring staging sites of Delaware Bay, and large areas of undeveloped barrier islands and saltmarshes extending from Virginia to Georgia. Atlantic Flyway Shorebird species include the American Oystercatcher, American Golden-Plover, Snowy Plover, Wilson’s Plover, Marbled Godwit, Ruddy Turnstone, Red Knot, Sanderling, Piping Plover, Greater Yellowlegs,

L. MIGRATORY BIRDS
(Optional to complete prior to Emergency Consultation)

Lesser Yellowlegs, Whimbrel, Purple Sandpiper, Semipalmated Sandpiper, Red-necked Phalarope, or Eskimo Curlew. The Atlantic Flyway Shorebird Initiative focuses on these birds: <https://atlanticflywayshorebirds.org/>.

- Tidal marsh birds such as the Saltmarsh Sparrow, Black Rail, American Black Duck, Bicknell’s Thrush, Cerulean Warbler, Wood Thrush, Golden-winged Warbler, American Woodcock, and the coastal marsh habitat they inhabit are a focus for USFWS. The Atlantic Coast Joint Venture (ACJV) focuses on these birds: <https://acjv.org/>.
- Marine birds are also a focal species for management and monitoring, which include colonial waterbirds, as well as nesting shorebirds. The Atlantic Marine Bird Cooperative (AMBC) focuses on these birds: <https://atlanticmarinebirds.org/>.
- If the USCG would like to report any banded birds observed during response actions to aid in resighting efforts, reporting can be done here: <https://www.usgs.gov/centers/pwrc/science/bird-banding-laboratory>.
- Contact information for the USFWS Northeast Division of Migratory Birds can be found at: <https://www.fws.gov/northeast/migratorybirds/contactus.html>.

Will you implement conservation measures for shorebirds, coastal marsh birds, and marine birds (indicate which species may be present)?

- Yes Enter list of bird species.
- No Indicate why conservation measures will not be implemented.
- Not Applicable (i.e., not present in the action area)

M. SUBMITTING BIOLOGICAL EVALUATION (BE) FORM

The USFWS and NMFS request that all BE forms be emailed to the appropriate point of contact for review (see Enclosure 1 for list of contacts). Upon receipt, USFWS/NMFS representatives will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, USFWS/NMFS representative will work with the USCG until the BE form is considered complete. Once complete, the USCG will use the BE form to initiate and/or conduct any appropriate consultation.

For informational purposes, please add the **U.S. Dept. of the Interior’s (DOI) Regional Environmental Officer (REO)** and the **NOAA Scientific Support Coordinator (SSC)** assigned to the incident to the “Cc” line of your email when submitting any version of this form to the USFWS and NMFS for review and/or concurrence. **Additionally**, please also “Cc” the Fifth District Response Advisory Team (DRAT) David.E.Pugh1@uscg.mil and Elisha.FS.Cook@uscg.mil to your email when submitting any version of this form to the USFWS and NMFS for review and/or concurrence. Also “Cc” the appropriate Environmental Protection Agency (EPA) Region 3 or 4 On-scene Coordinator.

SECTION II. USFWS / NMFS RESPONSE TO ESA SECTION 7 CONSULTATION

Name of Incident: Click or tap here to enter text.		
Date of Transmittal: [Date]		
FROM: Choose Service	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.
TO: FOSC Insert USCG FOSC Unit	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.
COPY: NOAA Scientific Support Coordinator	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.
COPY: DOI Regional Environmental Officer	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.
COPY: Fifth District Response Advisory Team (D5 DRAT)	Name: David Pugh Email: David.E.Pugh1@uscg.mil	T: (757) 398-6376 C: (757) 373-4133
	Name: Elisha Cook Email: Elisha.FS.Cook@uscg.mil	T: (757) 398-7780 C: (757) 630-1430
COPY: EPA On-Scene Coordinator for Region	Name: Click or tap here to enter text. Email: Click or tap here to enter text.	T: Click or tap here to enter text. C: Click or tap here to enter text.

SERVICE RECOMMENDATIONS
Service recommendations may include information on species and designated Critical Habitats in the area, suggested conservation measures / best management practices, etc.
Click or tap here to enter text.