



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

AUG 01 2017

Refer to NMFS No: FPR-2017-9214

Mr. Eric J. Mosher
Co-Chair, Caribbean Regional Response Team
Chief, Response and Prevention Branch
U.S. Environmental Protection Agency, Region 2
2890 Woodbridge Avenue (MS 211)
Edison, NJ 00837-3679

Mr. Forest A. Willis
Co-Chair, Caribbean Regional Response Team
Incident Management Preparedness Advisor
U.S. Coast Guard District Seven
909 SE 1st Avenue
Miami, FL 33131-3050

RE: Request for Consultation Pursuant to Section 7 of the Endangered Species Act on the Use of Dispersants and In-Situ Burning for Response Actions in Waters of the Caribbean

Dear Mssrs. Mosher and Willis:

On October 6, 2015, the Southeast Regional Office (SERO) of the National Marine Fisheries Service (NMFS) received the request from the U.S. Environmental Protection Agency and the U.S. Coast Guard as Co-Chairs of the Caribbean Regional Response Team (CRRT) for reinitiation of consultation on the potential use of dispersants and in-situ burning in waters of the Caribbean region during response activities under CRRT responsibility. You concluded that the proposed action is not likely to adversely affect species listed as threatened or endangered or critical habitats designated under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.). This response to your request for consultation was prepared by NMFS pursuant to section 7(a)(2) of the ESA, implementing regulations at (50 CFR §402), and agency guidance.

To comply with the ESA section 7 regulations (50 CFR §402.14(c)), the initiation package submitted with the request for informal consultation must apply the best scientific and commercial data available.

The CRRT is requesting reinitiation of the ESA section 7 consultations completed on June 14, 1995, for in-situ burning and March 24, 1997, for the use of dispersants due to the listing of new species under the ESA and the designation of critical habitat since the previous consultations were concluded. The CRRT requested a single informal consultation for the use of dispersants and in-situ burning. On May 19, 2017, the consultation was transferred from SERO to the Office of Protected Resources in Silver Spring, Maryland. Based on our review of the consultation package submitted by the CRRT and conversations with SERO, we have determined that a formal consultation is required due to the potential take of sea turtles associated with the rescue of oiled turtles from areas where in-situ burning is proposed. Please note



that we may request additional data or information or clarifications as the consultation progresses to ensure we consider the best information available in our analysis. We expect to complete formal consultation and issue our biological opinion by September 30, 2017.

The ESA requires that after initiation of formal consultation, the action agency may not make any irreversible or irretrievable commitment of resources that would preclude the formulation or implementation of any reasonable and prudent alternatives that would avoid violating section 7(a)(2) (50 CFR §402.09). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied.

If you have any questions, please contact Dr. Lisamarie Carrubba, Consulting Biologist, at (301) 427-8493, or by e-mail at lisamarie.carrubba@noaa.gov or me at (301) 427-8495 or by e-mail at cathy.tortorici@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Tortorici', with a long horizontal flourish extending to the right.

Cathryn E. Tortorici
Chief, ESA Interagency Cooperation Division
Office of Protected Resources