



CARIBBEAN REGIONAL RESPONSE TEAM

United States
Coast Guard

Environmental
Protection Agency

Department of
Agriculture

Department of
Commerce

Department of
Defense

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Energy

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Services

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Treasury

Federal Emergency
Management Agency

General Services
Administration

Nuclear Regulatory
Commission

Commonwealth of Puerto
Rico

Territory of the U.S.
Virgin Islands

TO: Mr. David Bernhart, Assistant Regional Administrator for Protected Resources
NMFS Protected Resources Division

Ms. Virginia Fay, Assistant Regional Administrator for Habitat Conservation
NMFS Habitat Conservation Division

FROM: Mr. Eric J. Mosher, U. S. Environmental Protection Agency, Region 2
Co-Chair, Caribbean Regional Response Team (CRRT)

Mr. Forest A. Willis, Incident Management Preparedness Advisor
U.S. Coast Guard District Seven

RE: Endangered Species Act Biological Assessment and Essential Fish Habitat Evaluation

The U.S. Coast Guard (USCG) and Environmental Protection Agency (EPA), as the Co-Chairs of the Caribbean Regional Response Team (CRRT), request reinitiation of consultation under Section 7 of the Endangered Species Act (ESA) with the National Marine Fisheries Service (NMFS), on the potential use of dispersants and in-situ burning in waters of the Caribbean region. Informal ESA Section 7 Consultations were completed with NMFS on June 14, 1995 for the CRRT preauthorization agreement on in-situ burning, and on March 24, 1997 for the CRRT preauthorization agreement on dispersants.

NMFS concurred with the USCG's determination that implementation of the proposed dispersant and in-situ burning agreements was not likely to adversely affect listed species, with the implementation of certain measures to avoid any potential effects to these species. Since completion of those consultations on the dispersant and in-situ burning plans' effects on whales and sea turtles, new species have been listed, and critical habitats have been designated, that require reinitiation of consultation under the ESA.

The CRRT also requests the initiation of an essential fish habitat (EFH) consultation pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). An EFH consultation has not been completed previously for the use of dispersants and in-situ burning in the U.S. Caribbean.

The intended purpose of dispersants and in-situ burning, used separately or in conjunction with other open-water spill response techniques, is to quickly remove spilled oil from the water surface, thereby reducing exposure to wildlife and preventing contamination of sensitive nearshore and shoreline habitat. Under appropriate conditions, dispersants and in-situ burning can reduce environmental impacts from oil spills, including injury to listed species and critical habitat.

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The CRRT believes that the use of dispersants may affect, but is not likely to adversely affect, the listed species or critical habitat present in the zones identified in the CRRT Preauthorization Agreements, and that formal consultation under Section 7 of the Endangered Species Act is not necessary. Additionally, the CRRT believes that the use of dispersants may affect, but is not likely to adversely affect, the listed species or critical habitat present in other waters within its jurisdiction in which dispersant use may be considered.

Similarly, the CRRT believes that the use of in-situ burning, used alone or in conjunction with other open-water spill response techniques, can quickly remove spilled oil from the water surface, thereby reducing exposure to wildlife and preventing contamination of sensitive nearshore and shoreline habitat. Under appropriate conditions, in-situ burning can reduce environmental impacts from oil spills, including injury to listed species and critical habitat. The CRRT has determined that the use of in-situ burning may affect, but is not likely to adversely affect, listed species and critical habitat present in the zones identified in the CRRT Preauthorization agreements, beyond the potential effects of the spilled oil, or add to the cumulative environmental stresses currently acting on the species.

The use of dispersants and in-situ burning offers strong potential for net environmental benefit during an oil spill by allowing for increased protection of biological resources and habitat, as outlined in this biological assessment, and provides for methods to remove oil products from the environment which are more difficult or elusive by other response methods. The CRRT's policies and procedures for the use of dispersants and in-situ burning incorporate measures to minimize overall harm to EFH. Based on the information presented in this assessment, the CRRT has concluded that while dispersant and in-situ burning operations may adversely affect EFH because of direct and indirect impacts, the impacts would be local, short-term and minor.

We request that you concur with these conclusions. Consultation will be re-initiated if additional information not previously considered becomes available, indicating adverse effects to listed species, designated critical habitat or EFH from the identified action.

While consultation is ongoing, we intend to continue to engage the Services in emergency consultation under the ESA and MSA, and implement best management practices to avoid and minimize effects to newly listed species until consultation can be completed.

Thank you for your attention to this matter. If you have any questions or need additional information, please contact Mr. Steve Touw (EPA Region 2) at (732) 906-6900 or touw.steve@epa.gov; or Mr. Darrel Wieland (USCG District 7) at (305) 415-6699 or Darrel.D.Wieland2@uscg.mil.

Attachments:

Biological Assessment and Essential Fish Habitat Evaluation
CRRT Best Management Practices for Oil Spill Response Operations