

Fish & Wildlife

Annex C

2026.0

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1000 General

1100 Purpose

The Oil Pollution Act of 1990 (OPA), mandates that Area Contingency Plans (ACP) identify and prioritize sensitive areas and species within the area. This FWSEP identifies sensitive areas and species and provides resources for evaluating risk, establishing protection priorities, and planning mitigation strategies. The term sensitive environments is intended to encompass a broad range of resources including ecological, cultural, and economic resources. The goal of this FWSEP is to reduce the overall ecological, cultural, and economic impact of a spill event and impacts associated with response activities.

This FWSEP is intended for use by Federal On-Scene Coordinators (FOSC) and State On-Scene Coordinators (SOSC) during the initial phase of a spill event, to assist them in ascertaining presence and location of spill-sensitive resources, services, and users. This FWSEP does not attempt to assist the FOSC and SOSC in evaluating impacts that may result from a spill; nor does it prioritize resources for subsequent response efforts. More detailed and current data should be available from incident-specific subject matter experts when they engage with the response.

Identifying relative priorities among resources and resource uses for a particular area requires considerable coordination and discussion among stakeholders. Prioritization must occur on an incident-specific basis

1200 Objectives

The NCP (40 C.F.R. 300.210(c)(4)(i)) delineates the objectives of the FWSEP. The objectives have been organized into three general sections

1201 Prioritize Resources at Risk

Natural resources, other sensitive resources, and the trustees for natural resources (Natural Resource Trustees) are identified in Section 2000 below. Sensitive resources identified include sensitive species, designated critical habitat, coastal and offshore environments, areas of cultural resource significance, and areas of economic significance, including national wildlife refuges and state wildlife management areas. The term “cultural resources” hereafter includes those resources of historical, archaeological, and traditional cultural interest, including the regulatory term “historic properties” except where these other terms are used as names of laws, regulations, or quotations from them.

1202 Determine Environmental Effects of Response Countermeasures

Guidance for determining and selecting appropriate response techniques for specific environments can be found in Section 4000. Monitoring for the effectiveness of response activities is discussed in the sections below.

1203 Determine Environmental Effects of Response Countermeasures

All permits for wildlife rescue and rehabilitation are overseen by USFWS and the NWRC. The contact information for these agencies can be found in Annex A.

1300 Notification of Natural Resources Trustees and Other Interested Natural Resources Management Agencies and Parties

As required by 40 C.F.R. 300.135(j)(1)(2), the FOSC shall ensure that the Natural Resource Trustees are promptly notified of discharges or releases. Further, the FOSC shall coordinate all response activities with the affected Natural Resource Trustees and, for discharges of oil, the FOSC shall consult with the Natural Resource Trustees on the appropriate removal action to be taken and identification of the lead administrative trustee. The NOAA Scientific Support Coordinator can assist with these notifications upon request.

40 C.F.R. 300.135(k) states that where the FOSC becomes aware that a discharge or release may affect endangered or threatened species or their habitat, the FOSC shall consult with the Department of the Interior (DOI), or the Department of Commerce (DOC) (NOAA) and, if appropriate, the cognizant federal land managing agency.

Organizations that require notification include:

- U.S. Department of the Interior
- U.S. Fish and Wildlife Service
- National Parks Service
- U.S. Department of Commerce
- National Oceanic and Atmospheric Administration
- National Marine Fisheries Service
- North Carolina Department of Environmental Quality
- Division of Marine Fisheries
- Wildlife Resources Commission
- Natural Heritage Program

2000 Environmental Consultation Requirements

2100 Notification of Natural Resources Trustees and Other Interested Natural Resources Management Agencies and Parties

To minimize impacts of a discharge/release on sensitive species and environments, resources should be identified prior to a spill event. The FOSC, SOSC, and Responsible Party (RP) must be aware of the sensitive environments to ensure that appropriate measures are taken to minimize effects of any response actions on ecologic, cultural, and economic resources. Response strategies and protection priorities are generally identified at the Area Committee level but also depends on the type, quantity and location of the discharge/release. An understanding of the landscape, environments and resources is imperative when selecting a particular response action.

Natural resources, other sensitive resources, and the trustees for natural resources (Natural Resource Trustees) are identified in Section 1200 below. Sensitive resources identified include sensitive species, designated critical habitat, coastal and offshore environments, areas of cultural resource significance, and areas of economic significance, including national wildlife refuges and state wildlife management areas. The term “cultural resources” hereafter includes those resources of historical, archaeological, and traditional cultural interest, including the regulatory term “historic properties” except where these other terms are used as names of laws, regulations, or quotations from them.

There are three environmental consultation categories:

- Pre-spill consultation: This is required for an Action Agency (USCG within the coastal zone) to engage the Services (USFWS and NMFS) on the potential affects for ***all*** potential response actions that may be implemented during the emergency response. The NOAA Scientific Support Coordinator can assist with conducting these consultations.
- Emergency consultation: Whenever an FOSC makes a determination that federal response actions may affect ESA-listed (threatened or endangered) species and/or designated Critical Habitat or adversely affect EFH, the action agency (USCG within the coastal zone) shall initiate emergency consultation protocols as appropriate. The FOSC initiates this emergency consultation as soon as practicable, via email to the Services, after the response is initiated. The NOAA Scientific Support Coordinator can assist with conducting these consultations.
- Post-response consultation: For actions not covered by a pre-spill consultation that are used, or are considered for use during an emergency response, the FOSC must follow ESA and/or EFH emergency response procedures and complete ESA and/or EFH consultations in collaboration with the Services once the emergency phase of the response has ended. The NOAA Scientific Support Coordinator can assist with conducting these consultations.

Both USFWS and NOAA have endangered or threatened species on their jurisdiction in North Carolina. Due the frequent updates and changes to the species included, in lieu of a full list within this plan, Annex A includes links to the most current regional endangered and threatened species lists for both agencies, which are updated as species change.

An interagency Memorandum of Agreement (MOA) between the USCG, EPA, DOI and NOAA coordinates the consultation requirements of the ESA, and link to the MOA can be found in Annex A.

2200 National Historic Preservation Act Consultations

Guidance for determining and selecting appropriate response techniques for specific environments can be found in Section 4000. Monitoring for the effectiveness of response activities is discussed in the sections below.

The NHPA mandates:

State Historic Preservation Office (SHPO) Notification, Coordination and Consultation.

In the event of a pollution threat or incident may reasonably impact cultural resources, the FOSC will be responsible for initiating contact with the SHPO. The SHPO should provide an assessment of the risk to any cultural resources and be consulted on future response actions. Links to an interactive map of state historic sites and Archaeological and Tribal Use Areas can be found in Annex A. A link to the National Historic Preservation Act Emergency Consultation Form can be found in Annex A.

3000 Resources at Risk

3100 General

To minimize impacts of a discharge/release on sensitive species and environments, resources should be identified prior to a spill event. The FOSC, SOSC, and Responsible Party (RP) must be

aware of the sensitive environments to ensure that appropriate measures are taken to minimize effects of any response actions on ecologic, cultural, and economic resources. Response strategies and protection priorities are generally identified at the Area Committee level but also depends on the type, quantity and location of the discharge/release. An understanding of the landscape, environments and resources is imperative when selecting a particular response action.

3200 Ecological Resources

3201 Notification

Notification and consultation as required by the Endangered Species Act is outlined in Section 1300 of this Annex.

3202 Identification of Ecologically Sensitive Resources

Many environmentally sensitive species and areas have been identified along the North Carolina coast, including many coastal wildlife refuges, hatcheries, waterfowl management areas, wetland management areas, national and state parks, monuments, preserves, recreational areas, and other important resources. The appropriate Natural Resource Trustee(s) and/or other interested resource management agency/party should always be contacted to ensure incident specific consideration are addressed. The appropriate Natural Resource Trustee(s) and/or other interested resource management agency/party will provide additional information, as necessary, regarding the scope and locations of sensitive areas and species. Environmentally sensitive areas are outlined in the Geographic Response Strategies on ERMA, a link to which is in Annex A.

3203 Threatened and Endangered Species

Both USFWS and NOAA have endangered or threatened species on their jurisdiction in North Carolina. Annex A includes links to the most current regional endangered and threatened species lists for both agencies.

3204 Technical Expertise and Assistance

The FOSC, SOSC, and RP must consult and coordinate with the appropriate Natural Resource Trustees and other interested resource management agencies/parties during the pre-spill planning phase and the response. This coordination is essential to identify and understand potential natural resource concerns.

During an oil spill response, Natural Resource Trustees and other interested resource managers/parties will provide technical assistance and expertise regarding potential effects of oil on fish and wildlife and their habitats or on other sensitive environments within the affected area.

Natural Resource Trustees and other interested resource managers/parties familiar with the area and habitats affected should be able to recommend the best locations for staging areas, access points, or anchor locations. Natural Resource Trustees and other interested resource managers/parties will recommend specific habitats where protective measures should be taken, and will provide advice on response actions to be taken. They can also assist in development of a response monitoring plan and subsequent collection of data.

Information related to wildlife protection, rescue and rehabilitation is included in the sections below of this Annex.

3300 Cultural Resources

3301 Notification

Notification and consultation as required by the National Historic Preservation Act is outlined in Section 1300 of this Annex.

3302 Technical Expertise and Assistance

During an oil spill response, SHPOs and Tribes will provide technical assistance and expertise regarding potential effects of oil on cultural resources and their setting within the affected area. SHPOs and Tribes hold the information on the location and character of archaeological sites, cemeteries and traditional cultural properties, and are able to recommend the best locations for response activities such as staging areas, access points, or anchor locations. SHPOs and Tribes will recommend specific locations where protective measures should be taken and will provide advice on response actions to be taken.

SHPOs can provide locational data for all known archaeological sites, historic structures, and cemeteries with an assessment of their significance under the National Register of Historic Places criteria. Tribes can provide information on archaeological sites, traditional cultural properties, and burials with an assessment of their significance under Tribal criteria. The FOSC should consult directly with the appropriate Tribal Historic Preservation Officer (THPO) or other designated tribal point of contact for additional information on cultural resources on tribal reservation lands. SHPOs and Tribes can provide information on cultural resources located on federal land, but the FOSC should consult directly with the land-holding agency for additional information. SHPOs and Tribes can also assist in development of a response monitoring plan and subsequent collection of data.

3303 Technical Expertise and Assistance

Cultural resources and their locations are considered sensitive information restricted from public disclosure under several federal and state laws. Section 304 of the National Historic Preservation Act [16 U.S.C. 470w-3] requires federal agencies to “withhold from disclosure to the public, information about the location, character, or ownership of a historic resources.” Archeological Resources Protection Act [ARPA, 16 U.S.C. 470aa-mm] prohibits the release of information concerning the natures and location of archaeological sites.”

Data should be limited to the FOSC, SOSC, and appropriate staff and not generally distributed. In particular, information on discoveries of human remains during a response is very sensitive and shared only with the FOSC or designated personnel. Coordination on site locations and unanticipated discoveries needs to occur directly with regional/state POCs. Protective measures are often site-specific. Responders with access to this data, through emergency coordination, need to ensure that this information is protected, as to not directly or indirectly encourage unlawful salvage and damage to important archeological and tribal cultural sites, including burials. This information is restricted and is not subject to the Freedom of Information Act. Tribal representatives will likely require completion of a Non-Disclosure Agreement (NDA) for anyone with knowledge of these sensitive sites and/or information.

Previously unidentified cultural resources and human remains may be identified during a response action. If the discovery occurs on federal or tribal reservation land, the FOSC must follow the appropriate authorities in consultation with the federal land-holding agency and appropriate Tribe. If the discovery occurs on private or state land, the FOSC must follow the appropriate state laws in consultation with the SHPO and Tribes.

3400 Economic Resources

3401 Identification of Resources and Economic Significance

Tourism in the Outer Banks of North Carolina accounts for billions of dollars in revenue annually. Any significant spill impacting the coast of North Carolina could detrimentally impact the tourism industry including jobs, real estate, state and county budgets and much more.

3402 Technical Expertise and Assistance

County and city managers can provide direct insight over the impact an incident could have within their jurisdiction and make recommendations on areas of highest priority

4000 Response Operations

4100 Wildlife Branch

Every spill will be assessed for potential impacts to wildlife. The Wildlife Branch will be established when it is determined that an oil spill is in the vicinity of wildlife resources (animals or sensitive habitats), or has a trajectory that puts wildlife resources at risk. Once this determination has been made, the Operations Section Chief and the Unified Command will be notified when the Wildlife Branch is operational. The Wildlife Branch will be established to appropriately respond to the anticipated magnitude of wildlife impacts.

4101 Duties and Responsibilities

Once established, the Wildlife Branch is responsible for ensuring that the appropriate protocol and process is followed during the search, recovery, and rehabilitation of impacted wildlife. The Wildlife Branch will make recommendations to the Unified Command through the Operations Section regarding the need for additional Wildlife Branch resources based on anticipated wildlife impacts and associated field operations.

The Wildlife Branch, working for the Operations Section Chief, will develop operational strategies, tactics and resource needs for operations activities for the Branch in the Incident Action Plan. The Branch Director or one of the Branch staff will work closely with the Site Safety Plan specific to wildlife response activities. Operations activities may include wildlife deterrence, conducting wildlife search and recovery, transportation of oil-impacted wildlife, rehabilitation of wildlife, and release of rehabilitated wildlife.

Wildlife Branch activities affect and interact with numerous other sections of the Incident Command and it is important that good communications are established and maintained between the Wildlife Branch and other responders. In particular, coordination between the Wildlife Branch and the Environmental Unit, a part of the Planning Section, is essential. The Planning Section may assign a Wildlife Technical Specialist to help with coordination. The Wildlife Branch Director is responsible for keeping the Operations Section Chief and Unified Command informed about the status of branch operations.

The Wildlife Branch is responsible for providing information to the Unified Command, the Planning Section, and the Public Information Officer/Joint Information Center relative to the daily numbers of alive and dead animals and their status. At the direction of the Operations Section Chief, the Wildlife Branch Director or a member of the Branch staff will attend tactics meetings, planning meetings, and Unified Command briefings. The Branch will also coordinate with Air Operations regarding wildlife reconnaissance and/or recovery flights, and coordinate with the Logistics Section in accordance with existing policy for any materials needed. The Wildlife Branch

is also responsible for working with the Planning Section, Demobilization Unit to develop the Wildlife Branch Demobilization Plan.

4102 Wildlife Branch Positions and Units

Once established, the Wildlife Branch is responsible for ensuring that the appropriate protocol and process is followed during the search, recovery, and rehabilitation of impacted wildlife. The Wildlife Branch will make recommendations to the Unified Command through the Operations Section regarding the need for additional Wildlife Branch resources based on anticipated wildlife impacts and associated field operations.

4102.1 Wildlife Branch Director

The Wildlife Branch Director oversees all operations of the Wildlife Branch. To ensure Wildlife Branch objectives are achieved with maximum efficiency, the Wildlife Branch Director coordinates and manages the activities of all personnel in the Wildlife Branch who fall under the authority of the Unified Command during a spill response. The Wildlife Branch Director activates and supervises wildlife operations in accordance with the Incident Action Plan and directs its execution. In addition, the Wildlife Branch Director directs the Branch Operations, requests resources, coordinates release of resources with the Planning Section, and ensures coordination with other Sections or Units within the Incident Command, and reports to the Operations Section Chief. The magnitude of the event and the potential for wildlife to be impacted will dictate the level of staffing in the Wildlife Branch.

4102.2 Wildlife Branch Director

The Wildlife Veterinarian reports to the Branch Director, works closely with the Wildlife Reconnaissance and Recovery Supervisor, and is responsible for ensuring impacted animals are getting appropriate medical treatment. The Wildlife Veterinarian works with the Branch Director and natural resource management agencies to develop euthanasia protocols appropriate for each spill incident. The Wildlife Veterinarian will ensure all permits for interstate transport of wildlife are in place, as necessary.

For marine mammals and sea turtles (MM/ST), each stranding network partner generally has an experienced Veterinarian to help respond to live stranded animals and for rehabilitation. The Wildlife Branch Veterinarian may oversee these pre-identified Veterinarians, but should not be a substitute for these experienced MM/ST veterinarians. Euthanasia protocols exist for these animals and shall be followed. New protocols for MM/ST shall not be developed by the Wildlife Veterinarian

4102.3 Wildlife Reconnaissance and Recovery Group

The Wildlife Reconnaissance and Recovery Group is responsible for wildlife deterrence, recovering dead animals, capturing live animals, transporting them to processing centers, and providing medical care to impacted animals. Wildlife recovery by any agency or organization must be done under the direction of the Wildlife Branch, with approval of the Unified Command. Wildlife Reconnaissance and Recovery Group personnel activated must comply with agreements and permits from the appropriate management agencies (i.e., State Fish and Wildlife agencies and USFWS). The Wildlife Reconnaissance and Recovery Group is made up of three units: Wildlife Survey (aerial, shoreline, and boat); Wildlife Recovery and Transportation; and Wildlife Hazing. Depending on the spill size, these Units may not be staffed or may be staffed by dozens of highly trained individuals. Depending on spill size, Recovery and Transportation teams may be integrated

with Wildlife Reconnaissance and Recovery Group teams or Shoreline Cleanup and Assessment Technique (SCAT) teams.

4102.4 Marine Mammal Recovery and Rehabilitation Group

The Marine Mammal Recovery and Rehabilitation Group is responsible for the recovery and rehabilitation of impacted marine mammals and includes the following three units: Marine Mammal Recovery and Transportation Unit; Marine Mammal Rehabilitation Unit; and Marine Mammal Hazing Unit. This involves deterrence and hazing of animals, recovering dead or alive stranded marine mammals, transporting them to facilities for necropsy and sampling (dead), or rehabilitation (alive), and providing medical care to impacted animals. These activities are performed in close coordination with the Unified Command along with State and Federal natural resource management agencies and local or other participating Marine Mammal Stranding Network organizations. Wildlife recovery by any agency or organization must be conducted under the direction of the Unified Command. Their activities must comply with agreements and permits from the appropriate management agencies (i.e., State Fish and Wildlife agencies, NOAA Fisheries, USFWS).

4102.5 Sea Turtle Recovery and Rehabilitation Group

The Sea Turtle Recovery and Rehabilitation Group is responsible for the recovery and rehabilitation of impacted sea turtles and includes the following units: Sea Turtle Recovery and Transportation Unit; the Sea Turtle Directed Capture Unit; Sea Turtle Rehabilitation Unit; and Sea Turtle Observer Unit. This includes recovering dead or capturing live oiled sea turtles, transporting them to processing centers, and providing medical care to impacted animals. This group also may be engaged in documentation and protection of sea turtle nests, eggs, and hatchling. These activities are performed in close coordination with the Unified Command along with Federal and State natural resource management agencies. Wildlife recovery by any agency or organization must be conducted under the direction of the Unified Command. Their activities must comply with agreements, permits, and policies from the appropriate management agencies (i.e., State Fish and Wildlife agencies, NOAA Fisheries, USFWS).

Sea Turtle Recovery and Rehabilitation Group personnel are drawn from State and Federal natural resource management agencies and approved contractors. Sea turtle personnel will typically include a high proportion of State and Federal natural resource management personnel as well as professional and para-professional wildlife rehabilitators from approved organizations and stranding network partners. Trained, qualified para-professionals can be used as long as they comply with NOAA Fisheries and USFWS policies and requirements, including ensuring appropriate training requirements and OSHA standards are met.

4102.6 Qualified Wildlife Responders

An effective wildlife rehabilitation effort for contaminated animals requires supervision by people with demonstrated field experience in oil spill response. If an experienced oil spill management team is not overseeing the rescue program, the animals will die. Some considerations for identifying a Qualified Wildlife Responders include:

- **Rapid Response Capabilities.** An organization with a permanent oil spill response facility should be capable of being fully operational within 8 hours. For remote spills, the Qualified Wildlife Responder should be able to establish a safe and functional emergency facility offsite within 72 hours of notification.

- **Accepted Protocols.** The Qualified Wildlife Responder should have written protocols already in place that have been documented as effective in past oil spill response efforts. Wildlife rescue efforts are not a suitable forum for experimentation with unproven methods. Wildlife care should be restricted to treatment procedures that have proven effective.
- **Wildlife Disease Issues.** The organization should have full-time staff veterinarians experienced in wildlife care and knowledgeable about wildlife diseases. The staff veterinarians should accept responsibility for issuing clean bills of health for each animal following pre-release examinations; identification of epizootic diseases should be a priority.
- **Chain of Evidence.** The organization should demonstrate familiarity with the interagency procedures for cataloging, storage and disposal of dead animals and maintaining chain of evidence.
- **Waste Disposal.** To qualify for oil spill response, wildlife organizations should have an understanding of (and protocols established to comply with) existing federal, state and municipal regulations for collection, handling and disposal of oily waste and other hazardous materials.
- **Compliance and Liability.** The organization should carry third party liability insurance of at least \$2,000,000. It should comply with federal employee laws; it should provide Workman's Compensation. Thorough training, including OSHA training, must be provided for all staff and volunteers.
- **Experience.** Formal education and advanced degrees in biology, veterinary medicine, or other related academic fields cannot substitute for actual field experience. Many shipping companies and oil storage facilities have a wildlife rescue organization under contract as required by the Oil Pollution Act.

4102.7 Staffing and Equipment Needs for Wildlife Branch

Level	4	3	2	1
Projected Number of Oiled Birds	1-15	16-100	101-500	500+
Personnel				
Wildlife Branch Director	1	1	1	1
Wildlife Veterinarian	1	1	1-2	1-2
Deputy Wildlife Branch Director	0	0-1	1	1-2
Wildlife Reconnaissance & Recovery Group Supervisor*	0-1	1	1-2	2
Wildlife Rehabilitation Group Staff*	0-4	0-4	5+	5+
Wildlife Recovery Unit Leader*	0-1	1	1-2	2

Wildlife Recovery Unit Staff*	1-2	2+	6+	12+
Wildlife Rehabilitation Unit Leader*	01	1	1-2	2
Wildlife Rehabilitation Unit Staff*	4+	8+	25+	50+
Hazing Unit Leader	0-1	0-1	1-2	1-2
Hazing Unit Staff **				
Aerial Survey Unit Leader	0-1	0-1	1	1
Aerial Survey Unit Staff**	1	1-2	2-4	5+
Boat Survey Unit Leader	0-1	0-1	1	1
Boat Survey Unit Staff**	0-2	2+	5+	10+
Shoreline Survey Unit Leader	0-1	0-1	1	1
Shoreline Survey Unit Staff**	0-2	2+	20+	40+
Equipment				
Facility - Permanent or temporary	1	1+	2+	4+
Stabilization Facility	0	0	2+	4+
Primary Care Facility	0-1	0-1	2+	4+
Vehicle – Recovery	0-4	0-4	6+	12+
Vehicle – Transport	1	1+	4+	8+
Boat – Capture	0-2	0-2	4+	8+
ATVs	0-2	0-2	4+	8+
Air (helicopter)/land/water reconnaissance	0-1	0-1	1-2	1-2
* Double or Triple these positions if the decision to add a Marine Mammal and/or Sea Turtle Recovery Groups is made.				
** These staff generally are not in the Incident Command Post (ICP) because they are in the field or at the rehabilitation facility.				

4200 Response Activities

Permits for response activities are issued by USFWS. A link to the permit process can be found in Annex A.

Activities associated with the activation of the Branch will be appropriate to the size of the spill. Activation of personnel and equipment is based primarily on anticipated adverse effects on wildlife. Development of Wildlife Branch operations is an iterative, dynamic process that calls for

good information, knowledge, experience, and judgment. It is important to understand that establishment of the Branch does not mean that a full-scale wildlife response will be mounted. The level of response is completely dependent on the number of animals that may potentially be impacted.

On every spill response, the first action of the Wildlife Branch must be to deploy trained observers to the spill site to determine the extent of the initial and anticipated wildlife impacts in a timely manner. The ability to effectively determine the size and scale of the wildlife response is highly dependent on getting trained observers on-scene quickly. The initial observers must be trained personnel because the impact oil and other hazardous materials has on wildlife is not always obvious to the average responder. Oiling from light petroleum products, unlike heavy petroleum products, can be especially difficult to determine without the use of a trained observer. Unless heavily oiled, impacted wildlife may be mobile and may not remain at the site of the initial oiling. Results of the initial reconnaissance will determine the size and complexity of the Wildlife Branch and the subsequent deployment of personnel and equipment. This involves establishing the Wildlife Branch organizations, notifying the appropriate Federal and State natural resource management agencies, and determining rehabilitation facility needs. The number of animals affected, or potentially affected, will determine the number and type of personnel and equipment resources that are needed. The Wildlife Branch will work with Logistics to obtain resources, personnel, and equipment. Deterrence, search and recovery, primary care, rehabilitation, and release activities will proceed as deemed necessary and appropriate by the Wildlife Branch Director, with the approval of the Unified Command.

4201 Hazing and Deterrence Activities

Hazing or deterrence may be utilized by the Wildlife Branch to keep un-oiled wildlife away from oil. The Wildlife Branch, in consultation with the appropriate natural resource management agencies, will develop response strategies for deterrence and preemptive capture of birds and other wildlife for a specific spill incident. Strategies for hazing or abatement will likely vary seasonally for most bird species. No Federal permits are required for non-lethal deterrence of migratory birds (50 C.F.R. Part 21.41) (Note: this exemption does not apply to eagles and endangered species). The Endangered Species Act of 1973 (ESA) does not specifically authorize deterrence and preemptive capture of endangered species. "Take" of endangered species resulting from approved response actions will be deemed incidental to the primary action of the spill response and will be covered by the ESA Section 7 Emergency Consultation process, unless otherwise authorized by a permit.

4202 Highlights of Wildlife Care

4202.1 Medical Care

Retrieved oiled animals should be examined and receive initial medical treatment as quickly as possible. The initial treatment can be provided at a field station (staging facility) if the animal is more than one hour's drive from the main facility. If animals are retrieved within one hour's transport to the rehabilitation facility, initial treatment may be delayed until arrival at the facility.

Retrieved birds should be transported in well-ventilated cardboard boxes (not wire cages). Mammals should be placed in well-ventilated escape-proof and injury-proof containers. Animals should be transferred in enclosed, well-ventilated, temperature-controlled vehicles. If stabilization is delayed until arrival at the main facility, birds awaiting treatment should be placed in a warm, quiet, well-ventilated area away from people and noise.

The initial physical examination, performed at the staging site or main facility, begins with the identification of each animal through the use of numbered leg bands, ear tags, or other means, depending on species. An individual record must be kept on each animal; species and age should be clearly marked. During the physical exam, body weight and temperature are noted. The eyes are flushed, oil is removed from the mouth and nares or nostrils, and the vent or anus cleared of oil.

Supervision by an experienced wildlife veterinarian is necessary for evaluation of injuries or illnesses, the extent of the effects of oil on the animals, the degree of dehydration, the overall body condition, and any other medical findings. The information should be recorded and animals triaged based on such parameters as species, age, extent of injuries, and body temperature / weight ratio. Degree of oiling is not a determination in triage.

Initial stabilization involves an active regimen of rehydration and other medical procedures as necessary. Because of the harm to the birds from the internal and external effects of the oil, all efforts should be made to stabilize and wash the oiled animals within 24 - 48 hours.

4202.2 Cleaning

Oil contamination disrupts the intricate, complex interlocking network within feathers, limiting or destroying a bird's ability to fly, thermoregulate and remain waterproof. To restore the waterproofing and insulating properties, oil and detergent must be removed from the feathers without damaging the delicate feather structure.

Oiled birds cannot be washed unless large amounts of hot water are available. At least 80 - 100 gallons of 103 - 105 F water are needed over a forty-five minute period to wash and rinse one duck. This volume of hot water can only be assured with industrial hot water heaters. The water must be above 102 F in order to lift the oil, but water over 105 F can harm the bird.

The cleaning agent must be non-irritating to both animals and humans; it must also be able to lift and maintain the oil in suspension. It must rinse quickly and completely from the feathers.

4202.3 Reporting

The Qualified Wildlife Responder will be responsible for providing daily reports to the FOSC on the number of wildlife received for treatment and their status. Reports of the number of animals retrieved dead, the number cleaned and any released should be provided so that the FOSC may pass this information on to the public affairs staff of the incident. The public affairs staff of the incident will handle all requests for information on the status of the wildlife response effort, including any necessary press releases.

4203 Oiled Wildlife Response Considerations

4203.1 Birds

Birds are the most common wildlife affected by oil spills, especially marine birds, waterfowl, shorebirds, gulls, and predatory birds. These birds spend the majority of their time on or near the water's surface which puts them in direct contact with oil. When the feathers of a bird become oiled, they lose their capacity to insulate the bird's skin from the water. Once the water is allowed to come in contact with the bird's skin, the bird becomes hypothermic, lethargic, and unable to feed and preen. Eventually the birds attempt to escape the water by beaching themselves. Oiled birds are prime targets for predatory and scavenging animals. This scavenging then leads to secondary oiling and further spread of the oil. It is important to retrieve alive and dead birds. The

survival rate of rehabilitated birds depends greatly on conducting a quick response and using appropriate personnel and facilities.

4203.2 Sea Turtles

Since sea turtles spend significant amounts of time at the surface and below the surface feeding and breathing, they may experience both external and internal oiling. Sea turtles impacted in near shore waters may strand while sea turtles impacted offshore may not be detected by shore-based operations. If promptly captured and treated, the survival rate of oiled sea turtles typically is high. Spills pose logistical operational challenges, especially offshore, that must be promptly identified.

The Sea Turtle Recovery and Rehabilitation Unit will develop a response plan including the following:

- Designate a wildlife coordinator;
- Develop an aerial survey plan to detect stranded and offshore animals;
- Develop capture, triage, and transport protocols;
- Identification of rehabilitation facilities and mobile treatment units;
- Rehabilitation, release, and tracking plans;
- Documentation and tagging of animals and carcasses will be in accordance with procedures in Guidelines for Oil Spill Response and Natural Resource Damage Assessment: Sea Turtles
- Identify training requirements for personnel
- Identify equipment caches and needed resources for sea turtle response;
- Identify vessel requirements for response and coordination with vessels of opportunity; and
- Identify support and resources required for offshore capture teams, monitors, and transport personnel.

The Sea Turtle Stranding and Salvage Network responds to and documents stranded sea turtles and is coordinated within each state by a designated state coordinator. The state sea turtle stranding coordinator and network should be notified by NOAA Fisheries and/or the U.S. Fish and Wildlife Service a spill has occurred and that a stranding should be reported directly to the Wildlife Branch via the 1-800 hotline number activated during the spill. If a carcass is found, NOAA Fisheries/U.S. Fish and Wildlife Service will designate a qualified veterinarian to conduct the necropsy as described in Guidelines for Oil Spill Response and Natural Resource Damage Assessment: Sea Turtles, linked in Annex A.

Live stranded sea turtles should be transported by trained, authorized personnel only to U.S. Fish and Wildlife Service authorized rehabilitation facilities that meet the criteria established by USFWS in their Standard Permit Conditions for Care and Maintenance of Captive Sea Turtles, linked in Annex A.

4203.3 Marine Mammals

There are 21 species of cetaceans (whales and dolphins) in the Gulf of Mexico inhabiting a broad range of habitats, from offshore (including continental shelf) and coastal ecosystems to bays, sounds, and estuaries (inshore). Manatees are also present in the Gulf of Mexico. All marine mammals are protected under the Marine Mammal Protection Act and some are also protected under the Endangered Species Act. Cetaceans fall under the jurisdiction of NOAA Fisheries and manatees fall under the jurisdiction of the U.S. Fish and Wildlife Service. Evidence suggests that

marine mammals are unlikely to detect and avoid spilled oil and exposure can result in population level impacts.

Regional marine mammal stranding networks should be notified by NOAA Fisheries and/or the U.S. Fish and Wildlife Service that a spill has occurred and that a stranding should be reported directly. If a carcass is found and NOAA Fisheries/U.S. Fish and Wildlife Service authorize a necropsy, the necropsy should follow established protocols in NOAA's Pinniped and Cetacean Oil Spill Response Guidelines, linked in Annex A and be coordinated with NOAA Fisheries/U.S. Fish and Wildlife Service.

Live stranded marine mammals should be evaluated by trained marine mammal veterinarians and transported by trained, authorized personnel only to NOAA/U.S. Fish and Wildlife Service authorized triage or washing facilities or authorized rehabilitation facilities that meet the criteria established by NOAA Fisheries in their Final Policy and Best Practices - Standards for Rehabilitation Facilities, linked in Annex A, and the U.S. Fish and Wildlife Service (for manatees).

4203.4 Other Wildlife

Other wildlife, such as alligators, muskrat, mink, and river otter are also subject to smothering and coating by oil, and also should be retrieved and rehabilitated to the extent possible.

4204 North Carolina Wildlife Resources Commission (NCWRC)

NCWRC is the state government agency created by the General Assembly in 1947 to conserve and sustain the state's fish and wildlife resources through research, scientific management, and public input. The regulatory agency responsible for the enforcement of North Carolina's fishing, hunting, trapping and boating.

5000 North Carolina Natural Resource Trustees and Technical Support

5100 Natural Resource Trustees

CERCLA and OPA authorize the United States, individual States, and Indian Tribes to act on behalf of the public as Natural Resource Trustees for natural resources (Natural Resource Trustees or Trustees) under their respective trusteeships (CERCLA §107(f)(1); OPA §1006(c)). OPA also authorizes foreign governments to act as Trustees (OPA §1006 [b][5]). Following a hazardous substance release or oil discharge, Natural Resource Trustees have responsibilities for assessing resulting injury to the environment. Natural Resource Damage Assessment (NRDA) is the process by which trustees collect, compile, and evaluate data to determine the extent of injury to natural resources. The information gathered is used to assess damages, determine the restoration required to compensate for the injured natural resources and lost use of resources, and seek recovery of those damages from the responsible party. NRDA's are typically initiated concurrent with response activities.

Initiation of an NRDA usually involves acquiring data both during and after a spill to document:

(1) oil or hazardous substances in water, sediments, soil, and organisms; (2) effects on fish, wildlife, and/or their habitat; (3) exposure pathways; and (4) measures taken to prevent or reduce immediate migration of oil or hazardous substances onto or into a trust resource. To avoid duplication of response activities specified in a NRDA with other response activities, all sampling and field work by Natural Resource Trustees should be coordinated with the lead response agency.

If natural resources are injured by a discharge or release of a mixture of oil and hazardous substances, DOI regulations apply. NOAA regulations apply only in assessing damages that may result from discharges of oil.

Trustees often have information and technical expertise about the biological effects of hazardous substances, as well as locations of sensitive species and habitats, that can assist in characterizing the nature and extent of site-related contamination and impacts. Coordination at the investigation and planning stages provides the Trustees early access to information they need to assess injury to natural resources.

The following list outlines the Trustees for natural resources designated in Subpart G of the NCP, and provides a brief description of the resources that may be potentially impacted as a result of an oil spill or hazardous material release. Natural resources include land, fish, wildlife, biota, water, ground water, drinking water supplies, and other such resources. This list is provided for informational purposes and is not intended to be all-inclusive.

More information about the NRDA process is linked in Annex A.

5101 Department of Interior

Through the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, National Park Service, Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, this department are the trustees for:

- Migratory birds and certain anadromous fish, endangered species, and marine mammals and their supporting ecosystems;
- Federally owned minerals;
- Federally managed water resources;
- Natural and cultural resources located on, over, or under land administered by DOI through its component bureaus;
- National Parks, National Wildlife Refuges, National Landscape Conservation Areas, etc; and
- Those natural resources for which an Indian tribe would otherwise act as trustee in those cases where the United States acts on behalf of the Indian tribe.

5102 Department of Commerce

Through the National Oceanic and Atmospheric Administration, this department are trustees for:

- Marine fishery resources and certain anadromous fish, endangered species, and marine mammals and their supporting ecosystem;
- National Marine Sanctuaries; and
- National Estuarine Reserves.

5103 Department of Agriculture

Through the U.S. Forest Service, this department is the trustee for any natural and cultural resources located on, over, or under land administered by USFS.

5104 Department of Defense

The DoD is the trustee for any natural and cultural resources located on, over, and under land administered by the DoD.

5105 Department of Energy

The DOE is the trustee for any natural and cultural resources located on, over, and under land administered by the DOE.

5200 Scientific and Technical Support

5201 U.S. Coast Guard

5201.1 The National Strike Force Coordination Center (NSFCC)

The NSFCC manages the NSF which is authorized as the National Response Unit required under OPA, with responsibility for administering the USCG Strike Teams, maintaining response equipment inventories and logistical networks, and conducting national exercise programs including pollution response exercises. The NSFCC offers the technical assistance and equipment for spill response, assistance in coordinating resources during oil discharge response, Area Contingency Plan (ACP) or Regional Contingency Plan (RCP) review, coordination of spill response resources information, and inspection of Oil Spill Removal Organization (OSRO) response equipment. The Strike Teams provide trained personnel and specialized equipment to assist the FOSC in training for spill response, stabilizing and containing the spill, and monitoring or directing response actions of the responsible parties (RPs) and/or contractors.

5201.2 USCG National Strike Force (NSF)

The NSF's mission is to provide highly trained, experienced personnel and specialized equipment to the Coast Guard and other federal agencies to facilitate preparedness and response to oil and hazardous substance pollution incidents in order to protect public health and the environment. The NSF's area of responsibility (AOR) covers all Coast Guard Districts and Federal Regions.

5201.3 USCG Strike Teams (Atlantic, Gulf, Pacific)

The three USCG Strike Teams are available 24 hours a day. If the Strike Team contacted is already committed, another Strike Team will be deployed. Each Strike Team maintains trained personnel and specialized equipment to assist with training in responding to spills, stabilizing and containing spills, and monitoring and/or directing response actions of the RPs and/or contractors.

5201.4 Public Information Assist Team (PIAT)

PIAT is an element of the NSFCC staff available to assist the FOSC to meet the demands for public information during a response or exercise. Its use is encouraged any time the FOSC requires outside public affairs support. Requests for PIAT assistance may be made through the NSFCC or National Response Center (NRC). See the Spill of National Significance (SONS) Public Affairs Reference for more information, which is linked in Annex A.

5201.5 Incident Management Assistance Team (IMAT)

The IMAT was developed by the USCG to supply a ready-made team of highly trained Incident Command System (ICS) individuals to assist the local Incident Command (IC) in responding to a major incident. The IMAT is located in Norfolk, VA. The team is trained for initial quick response to a regionally or nationally significant event. The team consists of ICS process experts that can quickly set-up and assist in transitioning from the initial emergency phase to a more sustained planning process. The IMAT deploys with a limited amount of equipment to ensure ICS functionality within an Incident Command Post (ICP).

5201.6 National Pollution Funds Center (NPFC)

NPFC is responsible for implementing those portions of OPA Title I delegated to the Secretary of the Department in which the USCG is operating. NPFC is responsible for addressing funding issues arising from actual and potential discharges of oil.

Responsibilities of the NPFC include:

(1) issuing Certificates of Financial Responsibility (COFRs) to owners and operators of vessels to pay for costs and damages incurred by their vessels as a result of oil discharges, (2) providing funding to various response organizations for timely abatement and removal actions related to oil discharges, (3) providing equitable compensation to claimants who sustain costs and damages from oil discharges when the RP fails to do so, (4) recovering monies from persons liable for costs and damages resulting from oil discharges to the full extent of liability under the law, and (5) providing funds to initiate Natural Resource Damage Assessment (NRDA) activities.

5201.7 USCG District Response Group (DRG)

DRGs assist the FOSC by providing technical assistance, personnel, and equipment. Each DRG consists of the combined USCG personnel and equipment, including marine firefighting equipment, of each port in the district and a district response advisory team. Specifically, the Fifth District Response Advisory Team (DRAT) and the Incident Management and Preparedness Advisor (IMPA) provide pollution planning, preparedness, and response policy guidance and assistance to an FOSC and staff on a regular basis.

5202 Environmental Protection Agency (EPA)

5202.1 Environmental Response Team (ERT)

In the event of a continuing release or discharge, the FOSC has access to EPA's ERT, stationed in Edison, New Jersey; Cincinnati, Ohio; Erlanger, Kentucky; Las Vegas, Nevada; and Research Triangle Park, North Carolina. The ERT provides Scientific Support Coordinators (SSC) with expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering. The ERT also has access to special decontamination equipment and can provide advice on a wide range of issues such as a multimedia sampling and analysis program, on-site safety (including development and implementation plans), cleanup techniques and priorities, water supply decontamination and protection, application of dispersants, environmental assessment, degree of cleanup required, and disposal of contaminated material. The FOSC may designate an SSC as principal advisor on scientific issues who also communicates with the scientific community and assists in requests to state and federal agencies.

5202.2 Chemical, Biological, Radiological, and Nuclear (CBRN) Consequence Management Advisory Division (CMAD)

The CBRN CMAD, present at five geographic locations, provides 24/7 scientific and technical expertise to the FOSC or response customer for all phases of consequence management. With a focus on operational preparedness, CBRN CMAD facilitates the transition of the latest science and technology to the field response community in order to provide tactical options for screening, sampling, monitoring, decontamination, clearance, waste management, and toxicological/exposure assessment during decontamination of buildings or other structures following an incident involving releases of radiological, biological, or chemical contaminants.

CBRN CMAD maintains critical partnerships with: (1) EPA's National Homeland Security Research Center and the EPA's special teams; (2) other federal partners including the U.S. Department of Homeland Security (DHS), Federal Bureau of Investigation, DOD, and Centers for Disease Control and Prevention (CDC)/Department of Health and Human Services (HHS); and (3) international partners.

5202.3 Radiological Emergency Response Team (RERT)

RERTs have been established by EPA's Office of Radiation Programs (ORP) to provide response and support during incidents or at sites containing radiological hazards. Expertise is available in radiation monitoring, radionuclide analysis, radiation health physics, and risk assessment. RERTs can provide on-site support including mobile monitoring laboratories for field analysis of samples as well as fixed laboratories for radiochemical sampling and analyses. Request for support may be made 24 hours a day via the NRC or directly to the EPA Radiological Response Coordinator in the ORP.

5203 National Oceanic and Atmospheric Administration (NOAA)

NOAA provides scientific support for responses and contingency planning in coastal and marine areas, including assessments of the hazards that may be involved, predictions of movement and dispersion of oil and hazardous substances through trajectory modeling, and information on the sensitivity of coastal environments to oil or hazardous substances. NOAA provides scientific expertise on living marine resources it manages and protects. It also provides information on actual and predicted meteorological, hydrologic, ice, and oceanographic conditions for marine, coastal, and inland waters, as well as, tide and circulation data. The Secretary of the U.S. Department of Commerce (DOC), through NOAA, also acts as trustee for natural resources managed or controlled by DOC, including their supporting ecosystems.

5204 Scientific Support Coordinators (SSC)

The SSC, in accordance with the National Contingency Plan (NCP), will provide the FOSC scientific advice with regard to the best course of action during a spill response. The SSC will help facilitate consensus from the Federal natural resource management agencies and provide spill trajectory analysis data, information on the resources at risk, weather information, tidal and current information, etc. The SSC will be the point of contact for the Scientific Support Team from NOAA's Hazardous Material Response and Assessment Division. The FOSC's Guide to NOAA Scientific Support outlines all of the products and services the NOAA SSC can provide for planning and response activities.

The NOAA SSC can provide training and technical expertise regarding Shoreline Cleanup and Assessment Techniques (SCAT). The Shoreline Assessment Manual, updated August 2013 by NOAA, outlines methods for conducting SCAT after an oil spill and is linked in Annex A.

5205 National Weather Service (NWS)

NWS, a federal organization within NOAA, can provide various types of support to an Incident Command (IC)/Unified Command (UC). The IC/UC will be provided with a direct unlisted number to the lead forecaster's desk, through which continuous information on wind speeds, temperatures, and other atmospheric data can be obtained.

5206 U.S. Department of the Interior (DOI)

DOI has jurisdiction over the National Park System, National Wildlife Refuges, fish hatcheries, and public lands. The Regional Environmental Officer (REO) manages the department's response programs for oil and hazardous substance spills and oversees the department's responsibilities as a trustee for natural resources. The DOI may become involved in spill response once contacted through the REO who is a designated member of RRT-4.

5207 U.S. Fish and Wildlife Service (USFWS)

The Secretary of the Interior acts as trustee for resources managed or protected by DOI Bureaus, including USFWS and Bureau of Reclamation (USBR). USFWS, an office within DOI, is responsible for the management of migratory birds, federally listed endangered and threatened species, and inter-jurisdictional fishes.

When a spill occurs, the appropriate USFWS office will provide timely advice on measures necessary to protect wildlife from exposure, as well as priority and timing of such measures. Protective measures may include preventing the oil from reaching areas where migratory birds and other wildlife are located or deterring birds or other wildlife from entering areas by using wildlife hazing devices or other methods.

If exposure of birds and other wildlife to oil or hazardous substances cannot be prevented, an immediate decision will be made regarding rescue and rehabilitation of "oiled" birds and other wildlife. Decisions to rescue and rehabilitate "oiled" wildlife must be made in conjunction with other federal and state natural resource management agencies. Wildlife rehabilitators will need federal and state permits to collect, possess, and band migratory birds and threatened/endangered species.

6000 Sensitive Area and Wildlife Response Priorities

6100 Environmentally Sensitive Areas

During a response, all of the appropriate environmentally sensitive areas will be referenced and a determination will be made as to which areas will be directly affected, which areas could potentially be affected, and which areas have no threat of being affected. The previously referenced GRSs/GRPs can be used for guidance, taking into account any special response considerations that will need to be addressed. Additionally, when threatened and endangered species, designated critical habitats, or historical/cultural properties may be affected by response actions, consultations with the appropriate agencies must be initiated.

6200 Wildlife Rescue & Recovery

The protection, rescue, and recovery of impacted wildlife during a response requires close coordination with those individuals and entities which have the expertise, authority, and equipment to safely and successfully execute it. This complex and high visibility operation is conducted by the Wildlife Branch within a Unified Command structure. The Wildlife Response Plan was developed to outline the policy and procedures for Wildlife Branch operations.

Additionally, it lays out the activation criteria and factors to consider when developing wildlife response and recovery actions as well as the organizational infrastructure needed for these operations. This Fish and Wildlife Annex, required by the NCP, outlines considerations for the protection, rescue and recovery of wildlife during a significant pollution response.

6300 Aligning Natural Resource Damage Assessment (NRDA)

Under OPA and CERCLA and various state statutes, Responsible Parties (RPs) are liable for damages for injury to, destruction of, loss of, or loss of use of, natural resources from a hazardous substance release or oil discharge as well as damages from the response to the release or discharge (or substantial threat of discharge/release). The measure of damages includes the cost to restore, rehabilitate, replace, or acquire the equivalent of the injured natural resource; the decline in value of resources pending restoration; and the reasonable cost of assessing the damages. Designated federal, state, and tribal natural resource trustees (Natural Resource Trustees) are responsible for assessing damages through the Natural Resource Damage Assessment (NRDA) process.

As described by the U.S. Coast Guard Incident Management Handbook (2014) (IMH), NRDA activities generally do not occur within the structure, processes, and control of the Incident Command System (ICS). However, given that NRDA activities usually overlap with those of the response, a plan for coordination and cooperation between the two efforts is necessary.

At least once per operational period during a response, the lead administrative trustee will notify the FOSC of how the NRDA may be affecting response operations and provide information that supports operational decisions.

In some circumstances, the FOSC may be able to provide non-monetary response resources, such as personnel or equipment, to the lead trustee for the NRDA. To make a request for these resources, the lead trustee should provide a written request to the FOSC that includes the amount of personnel and necessary qualifications, or amount and type of needed equipment, reporting location and length of time necessary. The FOSC will evaluate the request and provide a timely response regarding the availability of support.