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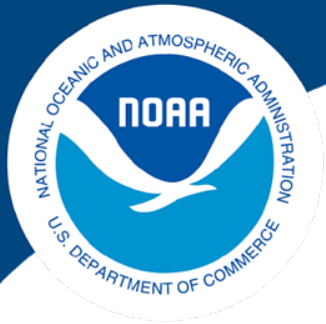
Preauthorization of the Use of Dispersants and In-Situ Burning in Offshore Waters of the Southeast U.S.

Allison Hernandez
NOAA Fisheries

Presentation for
CRRT annual meeting
January 23, 2023



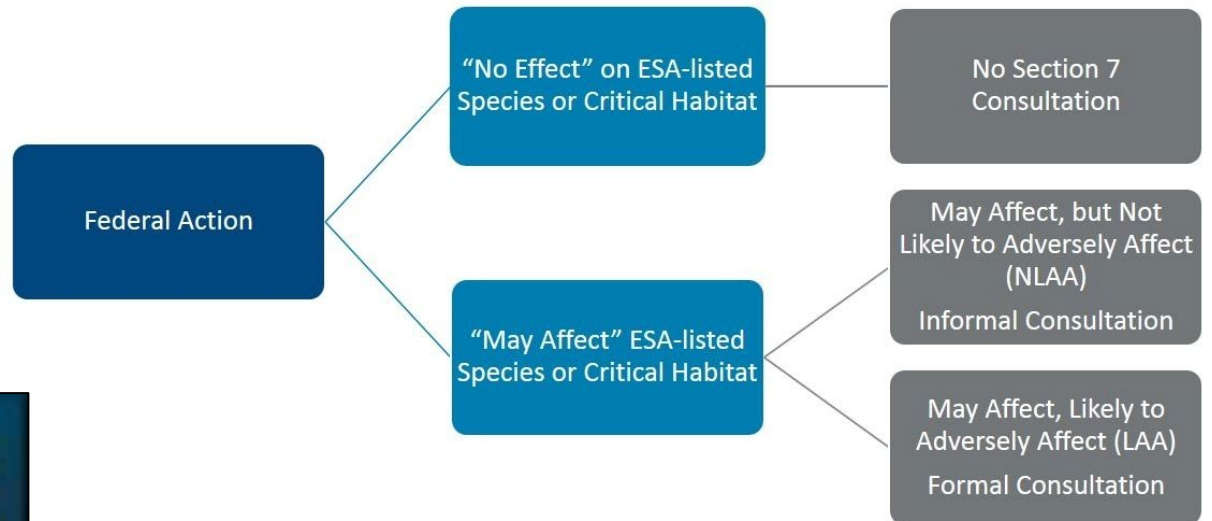
Gulf sturgeon



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Endangered Species Act Section 7 Consultation Overview

(16 U.S.C. §1531 et seq.)



Hawksbill turtle

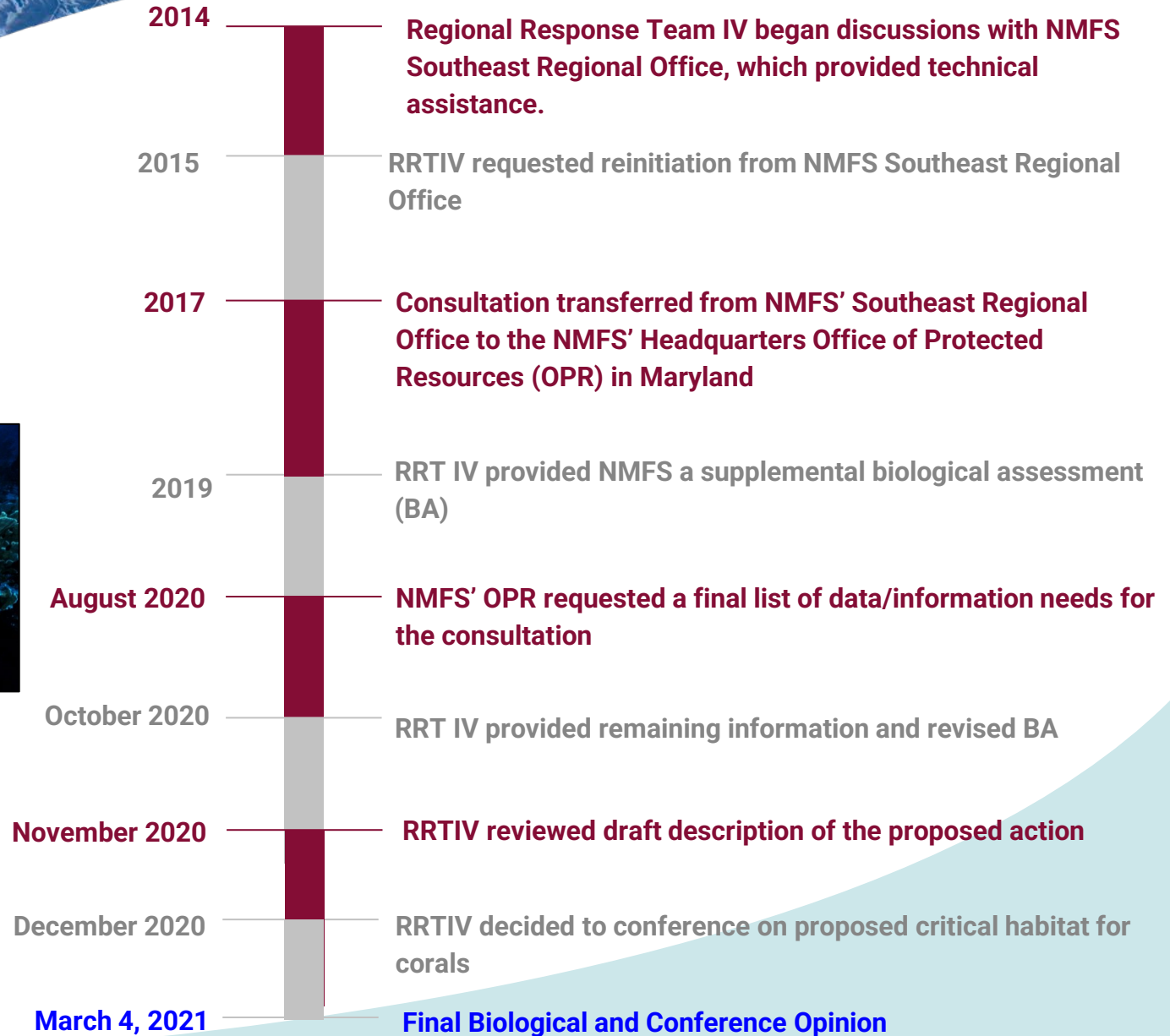
Consultation History



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Elkhorn coral



Project Overview



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Action Agencies: U.S. Coast Guard (lead) Districts 5, 7, and 8 and Regional Response Team IV

ACTIONS COVERED:

- Preauthorized green zones for dispersant use and in-situ burning (ISB)
- Conditionally (time-restricted) pre-authorized green zones for dispersant use and ISB

NOT COVERED:

- Yellow zones not pre-authorized



Oil platform



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Biological Assessment and associated documents

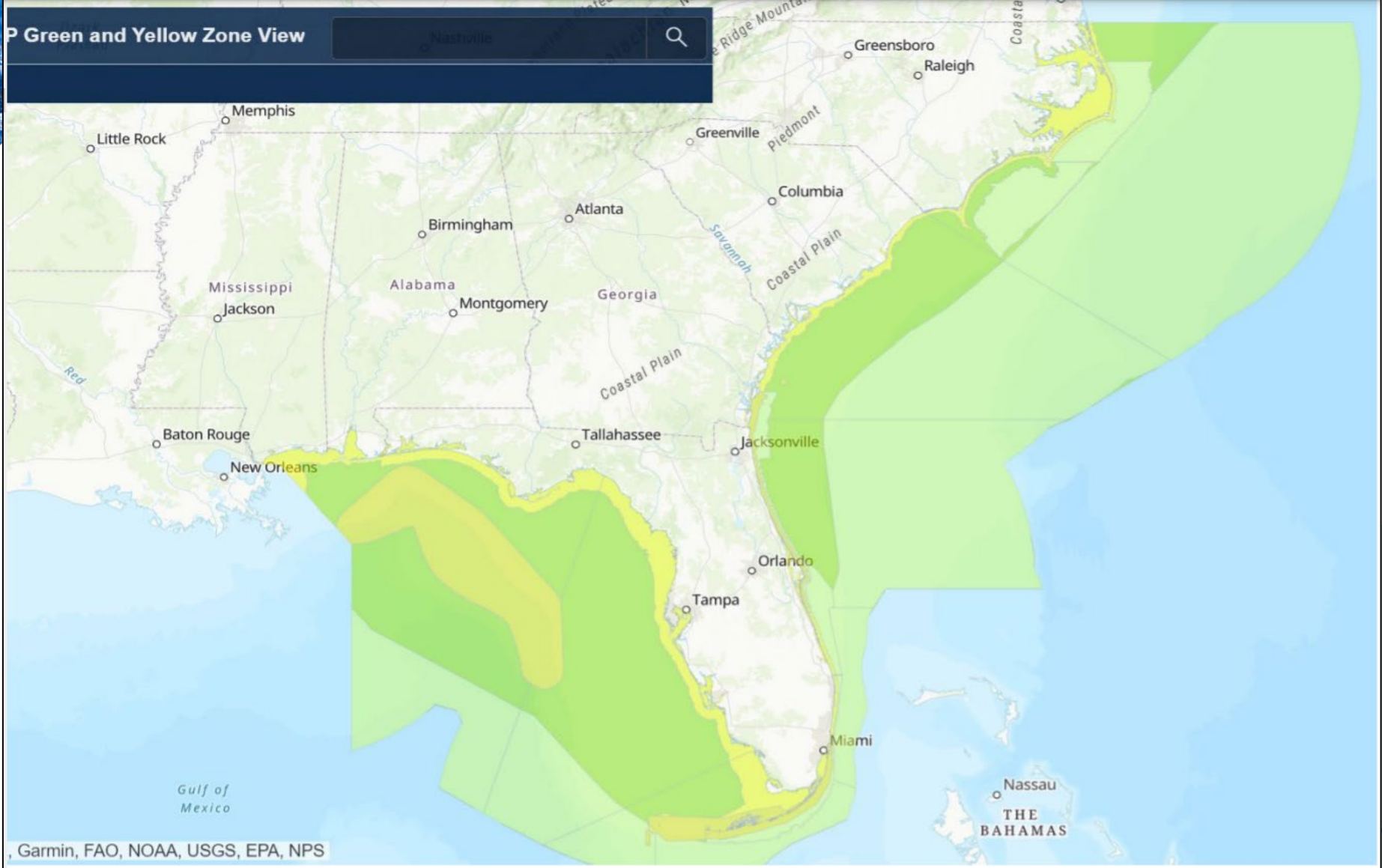
- <https://response.epa.gov/rrtivscienceandtech>
 - Revised Biological Assessment
 - In-Situ Burning Plan
 - Dispersant Use Preauthorization Plan
- [https://www.nrt.org/Main/Resources.aspx?ResourceType=Endangered%20Species%20Act%20\(ESA\)%20Section%207&ResourceSection=2](https://www.nrt.org/Main/Resources.aspx?ResourceType=Endangered%20Species%20Act%20(ESA)%20Section%207&ResourceSection=2)
 - 2001 MOA regarding oil spill planning and response activities
 - ESA/EFH Emergency Consultation Guidance and Form
 - Species Matrix
 - 2019 ESA Process for pre-spill planning



Rice's whale



Action Area





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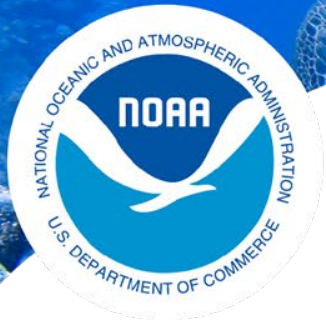


humpback whale

Action

- **DUPP: Surface application only during daylight hours.**
 - Dispersants are chemicals that reduce surface tension between oil and water, leading to oil droplet formation, so that the oil will more readily disperse into the water column. They typically contain surfactants and solvents and are used to entrain oil in the water column to protect shorelines from floating oil, but in turn, increase exposure to underwater organisms.
- **ISBP: In-situ burning of oil in offshore waters can prevent the potentially more devastating impacts of oil in sensitive environments inshore. Effective implementation of ISB requires herding accessible quantities of oil on water to a thickness sufficient to sustain combustion; due to the action of natural dispersion and currents, there may be a limited window of opportunity for in-situ burning to be feasible. **This plan covers protocols under which appropriate burning agents are preauthorized for use by the USCG OSC in state and federal ocean waters. The preauthorization for burning agents in the ISBP is in effect for the predesignated USCG FOSC only.****

Proposed Action: Project Design Criteria



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- Non-discretionary measures identified to limit environmental effects of the action, also called best management practices or conservation measures
- The protocols in the Appendices of the biological opinion cover the conservation measures that were discussed during consultation as part of the action:
 - Appendix A- Conservation measures (RRT protocols) for protection of ESA listed species and designated critical habitat
 - Appendix B- Emergency Consultation procedures for SER
 - Appendix C and D- DUPP and ISBP
 - Appendix E- Vessel Strike Avoidance Measures
 - Appendix F- NMFS-approved qualifications for offshore wildlife observer
 - Appendix G- Marine Species Observation Form
 - Appendix H- Marine Turtle Observation Form
 - Appendix I- Sea Turtle handling and resuscitation requirements
 - Appendix J- Sea Turtle retrieval protocols

Table IV-7. ESA and EFH Conservation Measures for Vessel Operations in Support of Dispersal Operations

Measure	Measure Description	Implementation or Contact	POIC
NOAA's Vessel Strike Avoidance Measures and Reporting the Measures	In order to avoid causing injury or death to marine mammals and to further the following measures, limited to those that are consistent with safe navigation: 1. Vessel operators and crews shall maintain a vigilant watch for marine mammals and sea turtles to avoid striking against protected species. 2. When whales are sighted, maintain a distance of 100 yards or greater between the whale and the vessel and log sighting report information as follows: 3. When sea turtles or small cetaceans are sighted, attempt to maintain a distance of 50 yards or greater between the vessel and the vessel whenever possible. 4. When small cetaceans are sighted while a vessel is underway (e.g., bow-chasing), attempt to remain parallel to the animal's course. Avoid encircling or abrupt changes in direction until the cetacean has left the area. 5. Reduce vessel speed to 10 knots or less when within 100 yards, groups, or large concentrations of cetaceans and attempt slow or stoppage vessel when within 50 yards. In light of current and future data on the presence of entangled animals in the vicinity, additional possible precautionary measures should always be exercised. The vessel shall attempt to come around the animal, maintaining a consistent distance of 100 yards whenever possible. 6. Whales near vessels in susceptible locations or approaches identify sighting vessels. When an animal is sighted in the vessel's path or close proximity to engine room and other safety-critical areas, reduce speed and shift the engine to avoid. Do not engage the engine until the animal is clear of the area.	See 1.E Appendix E's Vessel Strike Avoidance Measures and Reporting the Measures NMFS Inshore Region Final Order, Avoidance Measures and Reporting the Measures, revised February 2008 Marine Mammal Sighting Guide https://www.nmfs.noaa.gov/species/protected/marine-mammals/publications/sighting-guide/ • To report dead, injured or entangled dolphins, whales, seals, or sea turtles in the Southeast U.S., South, West and the U.S. Virgin Islands, see: 1-877-USA-1-HELP (1-877-942-3143) • Report right whale sightings in the Southeast U.S. to: 1-877-942-3143 or U.S. Coast Guard Channel 16 • To report potential violations of the Endangered Species Act or Marine Mammal Protection Act, contact NOAA's Office of Law Enforcement: 1-800-853-1964 NMFS's Southern Regional Office Marine Mammal Hotline Phone: 877-632-8299 (24hr) Email: sheltonp@noaa.gov Stranding services for sea turtles, whales, and marine mammals: http://www.noaa.gov/stranding Recreative Right Whale Sighting Map	POIC SP
Additional Requirements for the North Atlantic Right Whale	1. If a right whale is believed to be a North Atlantic right whale, federal regulations require a minimum distance of 500 yards be maintained from the animal (50 CFR 224.109 (d)). 2. Vessel sighting North Atlantic right whale critical habitat are required to report into the Atlantic Right Whaling System. 3. Measures shall comply with various conservation provisions for general information regarding stranding, log tables and specific information regarding North Atlantic right whale sighting.		

Tables of protocols

Species considered in the BiOp



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Manta rays



Live bottom reef

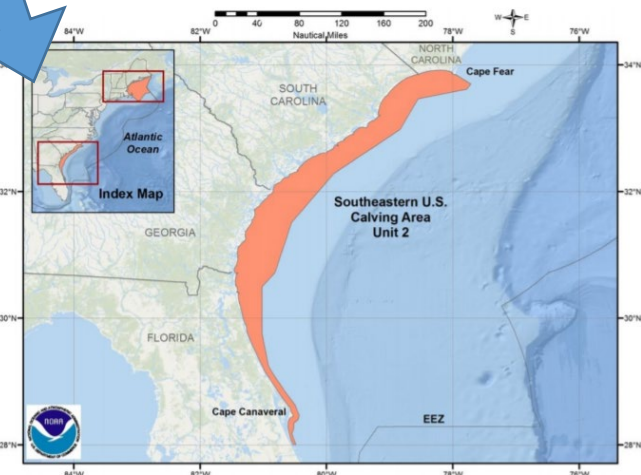
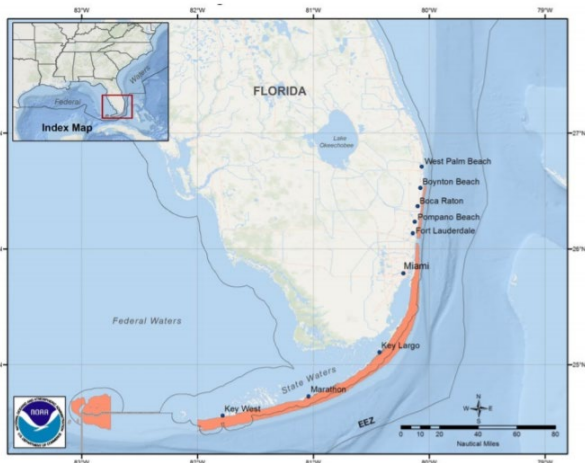
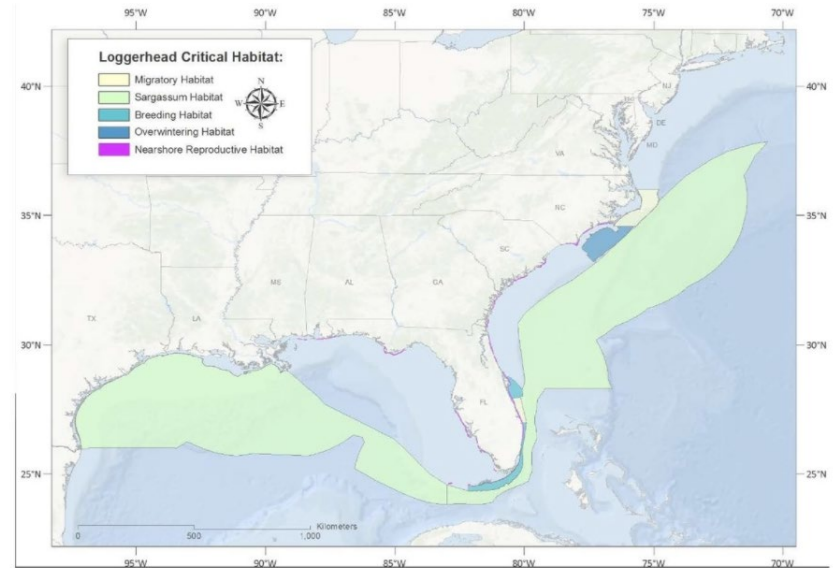
- **Sea turtles**
 - Kemp's ridley
 - Loggerhead
 - Hawksbill
 - Green- North and South Atlantic DPS
 - Leatherback
- **Whales**
 - Blue whale
 - Fin whale
 - North Atlantic right whale
 - Sei whale
 - Sperm whale
 - Rice's whale
- **Fish**
 - Atlantic sturgeon- Carolina and South Atlantic DPS
 - Gulf sturgeon
 - Shortnose sturgeon
 - Largetooth sawfish
 - Smalltooth sawfish- US portion of range
 - Giant manta ray
 - Nassau grouper
 - Scalloped hammerhead shark- Central and Southwest Atlantic DPS
 - Oceanic whitetip shark
- **Invertebrates**
 - Elkhorn coral
 - Staghorn coral
 - Lobed star coral
 - Boulder star coral
 - Mountainous star coral
 - Pillar coral
 - Rough cactus coral
- **Plants**
 - Johnson's seagrass (no longer listed)

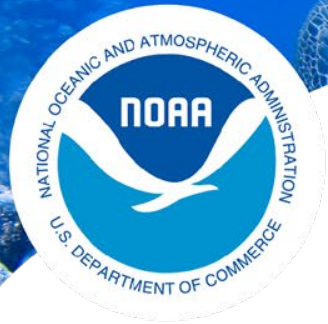


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- Loggerhead
- North ATL right whale
- Elkhorn and Staghorn coral

Designated Critical Habitat





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Stressors Analyzed (Effects analysis)

- Effects of oil (we discuss this because response methods would not be proposed but for the oil spill event)
- Dispersant application
- In-situ burning
 - Potential for sea turtle take associated with in-situ burning (take covered under other regulatory regimes and not under incidental take statement)
- Many of the effects to species and habitats were found to be insignificant or discountable given the application of the conservation measures, and most other potential effects are minimized or avoided.



Mandarinfish



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Conclusions

Not likely to jeopardize the continued existence of loggerhead, Kemp's ridley, hawksbill, leatherback, or green (North and South Atlantic DPS) sea turtles. Additionally, it is NMFS' biological opinion that the action is not likely to destroy or adversely modify designated critical habitat for the NWA DPS of loggerhead sea turtle.





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Implementation phase

- BiOp currently under implementation
- Annual activity reviews may be conducted during RRT IV annual meetings
 - Listing/Delisting of ESA species and designated critical habitat
 - Contacts verification and updates
 - Discuss what is working/not working under ESA- adaptive management
 - Discuss conservation measures as they relate to operations
 - Other reference/guidance updates



Image courtesy of D. Burdick