



# DOI/FWS Response Capabilities & IPaC Demo

RRT5 SPRING MEETING – APRIL 28, 2022

PRESENTED BY: SARAH BOWMAN (FWS), AMBER BELLAMY (FWS), AND JOHN NELSON (DOI)

# Introductions

- ▶ John Nelson, Department of the Interior's Regional Environmental Officer for DOI Regions 3 & 4 Mid-Atlantic and Great Lakes States
- ▶ Sarah Bowman, FWS Midwest Region 3, Assistant Spill Response and NRDAR Coordinator
- ▶ Amber Bellamy, FWS Ohio Ecological Services Field Office, Fish and Wildlife Biologist



FWS Midwest Region 3

# Overview

- ▶ DOI and FWS missions
- ▶ DOI and FWS roles in spill planning and response
- ▶ Natural Resource Damage Assessment and Restoration (NRDAR)
- ▶ Endangered Species Act and spill response
- ▶ IPaC overview and demonstration

# DOI and FWS Missions

- ▶ Department of Interior (DOI) Mission

*The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.*

- ▶ U.S. Fish and Wildlife Service (Service) Mission

*Working with others to conserve, protect, and enhance, fish, wildlife, plants, and their habitats for the continuing benefit of the American people*

Service trust resources: threatened and endangered species, migratory birds, interjurisdictional fishes, supporting habitats, and DOI managed lands



# Overview of DOI and FWS Roles in Spill Planning

- ▶ Participate on Area Committees
- ▶ Contribute to RCP and ACPs to ensure natural and cultural resources are taken into consideration as part of a response.
  - ▶ Fish and Wildlife and Sensitive Environments Plan
  - ▶ Pre-spill consultation for Contingency Plans
  - ▶ Disinfection procedures for aquatic invasive species
- ▶ Maintain training and participate in drills and exercises
- ▶ Collaborate with partners on tools and guides to assist OSCs in protecting natural and cultural resources during an activation
  - ▶ Biological Evaluation Matrix
  - ▶ Habitat and Species Fact Sheets for Response

# Overview of DOI and FWS Roles during Spill Response

- ▶ DOI and FWS may provide support (**remote** or on-site) for protecting trust resources
  - ▶ Assistance to the Planning Section
    - ▶ Information for resources-at-risk, resource protection, and development of cleanup techniques
    - ▶ Assist in identifying and obtaining appropriate FWS permits
    - ▶ Emergency consultation for the Endangered Species Act
  - ▶ Assistance to the Operations Section
    - ▶ Early reconnaissance of natural resources in the vicinity of the spill
    - ▶ Protection strategies to avoid and minimize impacts to trust resources and habitats
    - ▶ Technical assistance to wildlife response, implement or coordinate wildlife response (e.g., FWS can fill the Wildlife Branch Director role )

# Natural Resource Damage Assessment and Restoration (NRDAR)

- ▶ FWS may pursue NRDAR with Co-Trustees to assess damages from spill and response actions
- ▶ While separate from response, some NRDAR activities may be conducted at the same time as spill response activities
- ▶ Ephemeral data collection occurs during the spill
  - ▶ Source oil sample, samples from oiled wildlife, information on extent of oiling and responses
- ▶ Assessment work can lead to settlement or litigation
- ▶ NRDAR Goal: Return the injured resources to baseline

# Endangered Species Act (ESA)

## Purpose

- ▶ Protect and recover threatened and endangered species and critical habitats

## Administration – by the “Services”

- ▶ Department of the Interior - U.S. Fish and Wildlife Service (FWS)
- ▶ Department of Commerce - National Marine Fisheries Service (NMFS)



# Endangered Species Act – Section 7



## Interagency Cooperation

- ▶ Section 7(a)(1): All Federal agencies shall utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of listed species.
- ▶ Section 7(a)(2): Each Federal agency shall insure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of listed species or result in destruction or adverse modification of designated critical habitat
  - ▶ If a Federal agency action may affect individuals of a listed species or critical habitat, the agency must initiate consultation with the Service

# ESA Section 7 – Effects Determination



- ▶ No effect
  - ▶ Does not require concurrence from the Service
  - ▶ Include justification/support in project file
- ▶ May affect, not likely to adversely affect (NLAA)
  - ▶ Requires written concurrence from the Service
  - ▶ Informal consultation, 30 days
- ▶ May affect, likely to adversely affect
  - ▶ Requires formal consultation
  - ▶ 135 days after acceptance of initiation package

# ESA Memorandum of Agreement & Guidebook

- ▶ Developed jointly with NOAA, FWS, EPA and USCG
- ▶ MOA provides framework and guidance for cooperation and participation among ESA Trustees (FWS & NMFS) in spill planning and response
- ▶ Calls for cooperation with FWS and NMFS in pre spill planning such as ACPs
- ▶ MOA does not limit the authority of the FOSC nor is it meant to stop the response
- ▶ Safety of human life continues to be the top priority during every response

- [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 and the Endangered Species Act](#)
- [U.S. Coast Guard, U.S. Environmental Protection Agency, Department of Interior, and Department of Commerce. \(2002\). 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 and the Endangered Species Act.](#)

## 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 and the Endangered Species Act

A Guidebook  
Version 2002



United States Coast Guard



United States Environmental Protection Agency



Department of the Interior's Fish and Wildlife Service



National Oceanic and Atmospheric Administration's National Marine Fisheries Service



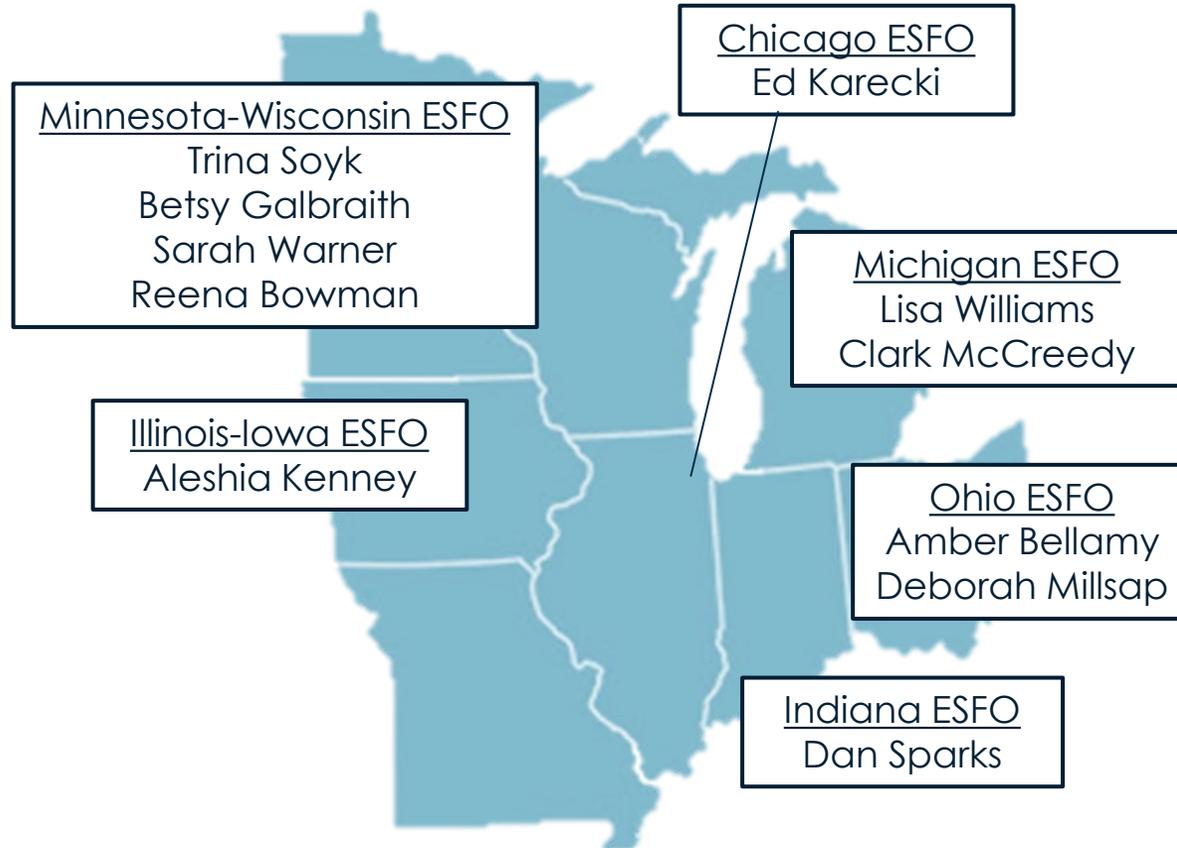
National Oceanic and Atmospheric Administration's National Ocean Service



Department of the Interior

# DOI and FWS Resources

- ▶ DOI Regional Environmental Officer
- ▶ FWS Ecological Services Field Offices (see map with hyperlinks)
  - ▶ Ecological Services Biologists (and Refuges) can provide information about trust resources
- ▶ Information for Planning and Consultation (IPaC)
  - ▶ <https://ipac.ecosphere.fws.gov/>
  - ▶ Public website
  - ▶ Species list
  - ▶ Contact information for local Ecological Services Field Office



# IPaC Resource List

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## IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS offices with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

### Project information

NAME  
test b

LOCATION  
Minnesota and Wisconsin



DESCRIPTION  
None

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### Local office

Minnesota-Wisconsin Ecological Services Field

(952) 252-0092

MAILING ADDRESS  
4101 American Blvd E  
Bloomington, MN 55425-1665

PHYSICAL ADDRESS  
4101 American Blvd E  
Bloomington, MN 55425-1665

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

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## Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act requires Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

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For project evaluations that and request an official spec

1. Log in to IPaC.
2. Go to your My Projects list
3. Click PROJECT HOME for
4. Click REQUEST SPECIES I

Listed species and their cri Fish and Wildlife Service (US Administration (NOAA) Fishes Species and critical habitats list. Please contact [NOAA Fish](https://www.fws.gov):

1. Species listed under the species that are candida information. IPaC only sl
2. [NOAA Fisheries](https://www.fws.gov), also knc National Oceanic and At

The following species are pc

### Mammals

NAME	STATUS
<b>Northern Long-eared Bat</b> <i>Myotis septentrionalis</i>	Threatened
Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	
<b>Clams</b>	
NAME	STATUS
<b>Higgins Eye (pearlymussel)</b> <i>Lampsilis higginsii</i>	Endangered
Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/5428">https://ecos.fws.gov/ecp/species/5428</a>	
<b>Sheepnose Mussel</b> <i>Plethobasus cyphus</i>	Endangered
Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/6903">https://ecos.fws.gov/ecp/species/6903</a>	
<b>Insects</b>	
NAME	STATUS
<b>Karner Blue Butterfly</b> <i>Lycalydes melissa samuelis</i>	Endangered
Wherever found There is <b>proposed</b> critical habitat for this species. The location of the critical habitat is not available. <a href="https://ecos.fws.gov/ecp/species/6656">https://ecos.fws.gov/ecp/species/6656</a>	
<b>Monarch Butterfly</b> <i>Danaus plexippus</i>	Candidate
Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	
<b>Rusty Patched Bumble Bee</b> <i>Bombus affinis</i>	Endangered
Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/9383">https://ecos.fws.gov/ecp/species/9383</a>	

### Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION

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## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the [FAQ below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around enter your location, desired date range Atlantic Coast, additional maps and mo species on your list are available. Links other important information about you use your migratory bird report, can be f

NAME	STATUS
<b>Golden-winged Warbler</b> <i>Vermivora chrysoptera</i>	Breeds May 1 to Jul 20
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8745">https://ecos.fws.gov/ecp/species/8745</a>	
<b>Henslow's Sparrow</b> <i>Ammodramus henslowii</i>	Breeds May 1 to Aug 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9941">https://ecos.fws.gov/ecp/species/9941</a>	
<b>Le Conte's Sparrow</b> <i>Ammodramus leconteii</i>	Breeds Jun 1 to Aug 15
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	
<b>Lesser Yellowlegs</b> <i>Tringa flavipes</i>	Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	
<b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i>	Breeds May 10 to Sep 10
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	
<b>Ruddy Turnstone</b> <i>Arenaria interpres grinnella</i>	Breeds elsewhere
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	
<b>Rusty Blackbird</b> <i>Euphagus carolinus</i>	Breeds elsewhere
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	
<b>Short-billed Dowitcher</b> <i>Limnodromus griseus</i>	Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a>	
<b>Wood Thrush</b> <i>Hylocichla mustelina</i>	Breeds May 10 to Aug 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	

# IPaC Consultation Package Builder (optional resource in IPaC)

- ▶ Consultation Package Builder (CPB) provides an interactive, step-by-step process to help you prepare a full consultation package leveraging U.S. Fish and Wildlife Service data and recommendations, including conservation measures designed to help you avoid or minimize effects to listed species
- ▶ Many spill response activities built-in to the CPB
- ▶ You may want to skip using CPB if:
  - ▶ You expect your project only needs minor technical assistance; or
  - ▶ You have already analyzed and made justified effect determinations for the species in your action area.

# IPaC Example

## Project Type and Deconstruction

### Project type and deconstruction

Deconstruct the proposed action by selecting all of its activities and structures.

The selected activities and structures provide the headings under which the Effects Analysis (i.e., effects of the action) for the species and critical habitat will be organized in your final document (i.e., biological assessment or other environmental review document). Later you will describe each activity and structure in greater detail.

#### 1) What structures and activities comprise your project?

##### Activities

Monitor air quality	
Use of cofferdam	
Use of decontamination area	
Vacuuming	

[ADD MORE STRUCTURES AND ACTIVITIES](#)

#### 2) What kind of project is this?

##### Project types

Contaminant spill response	
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### Select structures and activities

Search to find project types (which include structures and activities) that best match your project; or add structures and activities individually. If your search produces no results, you can create a custom structure or activity.

[FILTER](#) ▾

##### Structures

Lake/pond   
Possibly related

##### Activities

Contaminant residue removal (land)   
 Contaminant residue removal (water)   
 Contaminated debris removal   
 Contaminated sediment removal 

# Difference between IPAC and Inland Sensitivity Atlas

- ▶ IPAC (Information for Planning and Consultation)
  - ▶ Provides up-to-date T&E, Critical Habitat, Migratory Birds, wildlife refuges, and wetlands in the project area.
  - ▶ Provides Determination Keys and Consultation Package Builder to assist with making effects determinations and compiling information required for consultation.
  - ▶ Provides contact information for appropriate FWS Field Station for additional follow-up or consultation, as appropriate.
  
- ▶ Inland Sensitivity Atlas
  - ▶ Contains environmental, oil, and Geographic Response Plan (GRP) information.
  - ▶ Sensitive species data masks exact location and particular species
  - ▶ Non-T&E species layer represent states species of concern or species in the process of being listed but not yet complete
  
- ▶ Environmental Sensitivity Index (ESI)
  - ▶ Provides a summary of coastal resources that are at risk if an oil spill occurs.
  - ▶ Data incorporated into State Mapping Projects on RRT5 website

# Summary

- ▶ DOI Trustee for natural resources and DOI managed lands
- ▶ Ensure trust resources and supporting habitats are considered during planning and response
- ▶ FWS may conduct NRDAR with co-Trustees
- ▶ **We are here to help during planning and response**

# Contact

- ▶ Sarah Bowman - [Sarah\\_Bowman@fws.gov](mailto:Sarah_Bowman@fws.gov) or 612-816-6199

FWS Midwest Region 3, Assistant Spill Response and NRDAR Coordinator

- ▶ Amber Bellamy - [Amber\\_Bellamy@fws.gov](mailto:Amber_Bellamy@fws.gov) or 614-519-2701

FWS Ohio Ecological Services Field Office, Fish and Wildlife Biologist

- ▶ John Nelson – [John\\_Nelson@ios.doi.gov](mailto:John_Nelson@ios.doi.gov) or 215-266-5155

Department of the Interior's Regional Environmental Officer for DOI Regions 3 & 4 (Mid-Atlantic and Great Lakes States)