Endangered Species Act Biological Evaluation & Essential Fish Habitat Assessment Form

Pre-Spill and Post-Response Consultation Procedures

Oceania Region Coastal Zone:
Hawaii & American Samoa

April 2022

Endangered Species Act Biological Evaluation and Essential Fish Habitat Assessment Form (BE/EFHA Form)

Whenever a Federal On-Scene Coordinator (FOSC) makes a determination that federal response actions may affect Endangered Species Act (ESA)-listed (threatened or endangered) species and/or designated critical habitat, or may adversely affect Essential Fish Habitat (EFH), the action agency (U.S. Coast Guard within the Coastal Zone) **shall** initiate consultation protocols as appropriate. The scope of consultations are limited to the action agency's response actions, not the emergency itself.

The purpose of this form is to: (1) Assist the FOSC through the development of the required Biological Evaluation (BE) under the Endangered Species Act and the Essential Fish Habitat Assessment (EFHA) under the Magnuson-Stevens Act for pre-spill, emergency, and post-response consultations, (2) Aid in the process of determining whether action agency directed response actions may cause adverse effects and, (3) Identification of ways to avoid and minimize adverse effects to EFH and ESA species.

For pre-spill and post-response consultations, this form should be completed to the greatest extent possible. Seek technical assistance if needed. Pre-spill consultations must be initiated via this BE/EFHA form submission to the Services at least 60 days in advance of the exercise or planned response action. Post-response consultations commence after the FOSC has determined the emergency phase of the response have been completed and the FOSC determines the emergency response actions caused, or may have caused, adverse effect to listed species and/or critical habitat. For emergency consultations, where circumstances mandate the need to consult in an expedited manner, responders should complete the Emergency Consultation Form to the best of their ability, as soon as practicable, after the response has been initiated. In an emergency situation, it is intended that as much information as possible is provided to the Services; it is not intended to be comprehensive but will be followed up by a post-response consultation using this form once the emergency has been abated. **Responders should not delay emergency response actions to conduct consultation activities or await a response from the Services.**

Once the form is submitted, the Services will review the information and may respond with additional Best Management Practices (BMPs) or Conservation Recommendations (CRs) to mitigate potential impacts to ESA-listed species/critical habitat or EFH. The BMPs/CRs shall then be integrated into response actions. An EFH consultation is required for any activity that may adversely affect EFH, resulting in a reduction in the quality and quantity of EFH due to direct, indirect, and cumulative effects. The National Marine Fisheries Service (NMFS) will analyze the adverse effects and then provide Conservation Recommendations for the activity. Species specialists may be brought into the response to provide additional oversight and guidance.

The NOAA Scientific Support Coordinator (SSC) and/or Department of the Interior (DOI) Regional Environmental Officer (the Department of Commerce and DOI representatives, respectively, to the Oceania Regional Response Team) **shall** be informed whenever the FOSC engages in consultation with the Services.

While the NOAA SSC and DOI Regional Environmental Officer may be able to assist with communications, it is the sole responsibility of the FOSC to initiate, conduct, and complete the consultation with the appropriate FWS and NMFS consultation representatives.

Subject: Request for Consultation
Date: _____

From: FOSC, U.S. Coast Guard Sector Honolulu	POC Name: Phone: Email:
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Copy: District 14 Response Advisory Team (DRAT)	D14-DG-DRAT@uscg.mil

Delete respective Service office in the "To line" if "NO EFFECT."

COVER PAGE

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A. Introduction

Red font = insert information.

The purpose of this Biological Evaluation (BE) and Essential Fish Habitat Assessment (EFHA) is to address the effects of the federal response actions [proposed/carried out] [for/during] [exercise/name of incident] on endangered or threatened species under the Endangered Species Act (ESA), or their designated critical habitat, and Essential Fish Habitat during these [proposed/employed] actions.

The [exercise/incident response] involves [insert primary function] in [location]. Due to the location of the [exercise/incident], there [is potential to impact/has impacted] Endangered Species Act-listed species and/or their habitat as well as Essential Fish Habitat.

This BE addresses the [proposed] actions in compliance with Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended. Section 7 of the ESA assures that, through consultation with NMFS, federal actions do not jeopardize the continued existence of any threatened, endangered, or proposed species, or result in the destruction or adverse modification of critical habitat.

This EFH Assessment addresses the [proposed] actions in compliance with the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 USC 1855(b)) and 50 CFR 600.920, Federal agency consultation with the Secretary.

The purpose of the proposed actions [is/was] to [ensure oil spill preparedness/respond to a pollution threat and mitigate the environmental impacts of the pollution] and meet the requirements set forth in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300.205.

B. Incident/Exercise Details

Name of Unit		
FOSC		
FOSCR		
Person Completing Form/Consultation POC		
Date Technical Assistance Completed	USFWS (ESA)	
	NMFS (ESA)	
	NMFS (EFH)	
Name of Incident or Exercise		
Type of Incident or Exercise		
Date/Time of Incident or Exercise		
Product Discharged or Released		
Volume Discharged or Released		
Potential Volume		
Status of Source	☐ Secured ☐ Continuous ☐ Unknown ☐ Not applicable	
Incident or Exercise Location (Latitude/Longitude)		
Nearest Landmark or City		
Location Type	☐ Port/Industrial/Canal ☐ Inshore/Estuarine ☐ Nearshore/Coastal ☐ Offshore/EEZ	
Existing Applicable Geographic Response Strategy/Strategies		
(*Emergency*) Response Actions that have been or are being deployed		

C. Type of Consultation

Phase *Choose one:* ☐ Pre-spill ☐ Emergency ☐ Post-Response	**Endangered Species Act: USFWS-listed Species** *Choose one:* ☐ No effect *(No consultation)* ☐ May affect, Not Likely to Adversely Affect (NLAA) *(Informal consultation)* ☐ May affect, Likely to Adversely Affect (LAA) *(Formal consultation)* **Endangered Species Act: NMFS-listed Species** *Choose one:* ☐ No effect *(No consultation)* ☐ May affect, Not Likely to Adversely Affect (NLAA) *(Informal consultation)* ☐ May affect, Likely to Adversely Affect (LAA) *(Formal consultation)* **Essential Fish Habitat** *Choose one:* ☐ Would not adversely affect ☐ May adversely affect

D. Existing Compliance Documentation

D.1. Are there any previously completed informal or formal Endangered Species Act consultations that cover all or a portion of the response actions within the action area?

☐ Yes ☐ No

D.2. Are there any existing National Environmental Policy Act (NEPA) documents?

☐ Yes ☐ No

D.3. If "YES" for either, provide the details of the consultations:

E. Action Area

Insert chart (e.g. from ICS-201) with location (latitude/longitude), photographs, and/or description of the Action Area. Show proposed Action Area elements (e.g. booming strategies, skimming operations, staging areas, etc.). The Action Area is inclusive of all areas directly and indirectly impacted by the Response Actions, and not necessarily only those in the immediate vicinity of the incident (e.g. vessel transit routes should be included in the description of the Action Area).

E.1. Geomorphic Habitat Type(s)

Identify the geomorphic habitat types in the Action Area through NOAA's Environmental Response Management Application (ERMA).

*Select **all** that apply.*	**Habitat Types**	**Additional Information**
☐	Aggregate Reef	
☐	Aggregate Path Reef	
☐	Individual Patch Reef	
☐	Boulder	
☐	Rhodoliths	
☐	Rock Outcrop	
☐	Reef Rubble	
☐	Sand with Scattered Coral and Rock	
☐	Spur and Groove	
☐	Pavement	
☐	Mud	
☐	Sand	
☐	Artificial	
☐	Unknown	

E.2. Biological Cover

Identify the biological cover of the Action Area through NOAA's Environmental Response Management Application (ERMA).

*Select **all** that apply.*	**Biological Cover**	**Additional Information**
☐	Algae	
☐	Live coral	
☐	Mangrove	
☐	Seagrass	
☐	No cover	
☐	Unknown	
☐	Other:	

E.3. Endangered or Threatened Species and Critical Habitat

Note the endangered or threatened species and critical habitat within the Action Area, as learned through technical assistance conversations or requests with USFWS and NOAA NMFS.

The following lists are not inclusive to all endangered/threatened species or critical habitat that may be present in Action Area, and should only be used as a tool to assist in completing the BE after engaging in technical assistance with the Services.

USFWS-listed Species		
*Select **all** that apply.*	**Species**	**Status**
☐	Newell Townsend's shearwater	☐ Endangered ☐ Threatened
	Threats are: artificial nighttime lighting, collisions with power lines, predation by introduced predators, changes to breeding habitat due to introduced invasive species, climate change, and fisheries interactions (USFWS, 2017b).	
☐	Hawaiian petrel	☐ Endangered ☐ Threatened
	The Hawaiian petrel's listing status is a namely a result of predation and habitat destruction as well as power line collisions, light attraction and fallout, and climate change (USFWS, 2017a).	
☐	Band-rumped storm petrel	☐ Endangered ☐ Threatened
	Threats leading to the listing of the band-rumped storm petrel are: habitat destruction or modification by invasive species and weather events; predation of breeding colony; attraction to artificial light and subsequent fallout; low numbers of individuals and populations; collisions with structures, including towers, poles, and power lines; wind farms; commercial fisheries interactions and alteration of prey; and climate change (USFWS, 2021a)	
☐	Hawaiian hoary bat	☐ Endangered ☐ Threatened
	Threats to the Hawaiian hoary bat are: destruction, modification, or curtailment of its habitat or range, to include tree trimming and timber harvest; introduction of coqui frog; collisions with man-made objects, including wind turbines, fishing line, vehicles, and vehicle antennas; snagging on barbed wire; and pesticides causing reduction in prey population (USFWS, 2021b).	
☐	Green sea turtle (Central North Pacific DPS)	☐ Endangered ☐ Threatened
	Threats to the Central North Pacific DPS of green sea turtles are: loss of nesting beach habitat, coastal development and construction, vehicular (to include beach driving) and pedestrian traffic; tourism, climate change, marine construction, contamination of forage areas, disease, fisheries interactions, marine debris and pollution, and vessel interactions (Endangered and Threatened Species, 2015).	
☐	Green sea turtle (Central South Pacific DPS)	☐ Endangered ☐ Threatened
	Threats to the Central South Pacific DPS of green sea turtles are: loss of habitat due to activities of human populations such as village expansion, decreased use of nesting areas due to land-based lights, mortality from cars, and coastal development; degradation of habitat from natural disasters; historical destruction of vegetation zones near nesting beaches; ship groundings; degradation of foraging habitat; collection and harvest of eggs; predation; incidental bycatch in fishing gear; marine debris and pollution; and climate change (Endangered and Threatened Species, 2015).	
☐	Hawksbill sea turtle	☐ Endangered ☐ Threatened
	The Hawksbill sea turtle decline in the Central Pacific is a result of exploitation for shells, eggs, and meat (USFWS, 2013). Hawksbill sea turtle threats also include artificial lighting, incidental capture in fisheries, and destruction of nesting habitat by coastal development such as construction of buildings and pilings, beach armoring and re-nourishment, sand extraction, dune vegetation removal (USFWS, 2013). Additional threats include impacts to the terrestrial zone such as mangrove removal; contamination from herbicides, pesticides, oil spills, and other chemicals; destruction of benthic habitat from excessive boat anchoring, dredging, and fishing gear; and impacts to habitat from climate change (USFWS, 2013).	

NMFS-listed Species			
*Select **all** that apply.*	**Species**	**Status**	**Habitat**

☐	Central West Pacific green sea turtle	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Threats to green sea turtles are: Bycatch in fishing gear, direct harvest of turtles and eggs, loss and degradation of nesting habitat, vessel strikes, ocean pollution and marine debris, climate change, and disease. (NOAA, 2021e)		
☐	Hawksbill sea turtle	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Threats to the Hawksbill sea turtle, which led to its listing, are: Bycatch in fishing gear, direct harvest of turtles and eggs, loss and degradation of nesting and foraging habitat, predation of eggs and hatchings, vessel strikes, ocean pollution and marine debris, and climate change. (NOAA, 2021f)		
☐	Leatherback sea turtle	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	The primary threat to sea turtles is fishing gear bycatch. Additional threats to the leatherback sea turtle include direct harvest of turtles and eggs, loss and degradation of nesting habitat, vessel strikes, ocean pollution, and marine debris. (NOAA, 2021g)		
☐	North Pacific loggerhead sea turtle	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	The primary threat to sea turtles is fishing gear bycatch. Additional threats include loss and degradation of nesting habitat, vessel strikes, direct harvest of turtles and eggs, ocean pollution, and marine debris. (NOAA, 2021h)		
☐	Olive ridley sea turtle	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	A primary threat is unintended capture in fishing gear. The principle cause of their worldwide decline was long-term collection of eggs and mass killing of adult females on nesting beaches. Other threats are loss and degradation of nesting habitat, predation of eggs and hatchlings, vessel strikes, ocean pollution, marine debris, and climate change. (NOAA, 2021j)		
☐	Hawaiian monk seal	☐ Endangered ☐ Threatened ☐ Critical Habitat	☐ Nearshore ☐ Offshore
	The majority of the Hawaiian monk seal population can be found around the Northwest Hawaiian Islands but a small and growing population lives around the main Hawaiian Islands. These seals spend two-thirds of their time at sea. Monk seals spend much of their time foraging in deeper water outside of shallow lagoon reefs at sub-photic depths of 300 meters (160 fathoms) or more. Hawaiian monk seals breed and haul-out on sand, corals, and volcanic rock; sandy beaches are more commonly used for pupping. Due to the immense distance separating the Hawaiian Islands from other land masses capable of supporting the Hawaiian monk seal, its habitat is limited to the Hawaiian Islands. (The Society for Marine Mammalogy, 2021) Natural factors threatening the Hawaiian monk seal include low juvenile survival rates, reduction of habitat/prey associated with environmental changes, increased male aggression, and subsequent skewed gender ratios. Human impacts include hunting (during the 1800s and 1900s) and the resulting small gene pool, continuing human disturbance, entanglement in marine debris, and fishery interactions. (The Society for Marine Mammalogy, 2021)		
☐	Main Hawaiian Island insular false whale	☐ Endangered ☐ Threatened ☐ Critical Habitat	☐ Nearshore ☐ Offshore
	Prefer to remain close to the Hawaiian Islands. (NOAA, 2021b) Reason for decline of the population is unknown, but may be attributed partially to interactions with fisheries, particularly longlining when it was popular in the Main Hawaiian Islands before 1990. Other threats include their competition with fisheries, environmental contaminants, small population size, and hunting. (NOAA Fisheries, 2021b)		
☐	Blue whale	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Vessel strikes and entanglement in fishing gear are known threats to blue whales. Additional possible threats are ocean noise, habitat degradation, pollution, vessel disturbance, and climate change (NOAA, 2021a)		

☐	Fin whale	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Threats include inadvertent vessel strikes, fishing gear entanglement, and ocean noise (NOAA, 2021c).		
☐	Sei whale	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Sei whale depletion is a result of vessel strikes, entanglement in fishing gear, and ocean noise (NOAA, 2021k).		
☐	Sperm whale	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	The species is threatened through vessel strikes, entanglement in fishing gear, ocean noise, marine debris, climate change, oil spills, and contaminates (NOAA, 2021l).		
☐	Giant manta ray	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	The most significant threat is overutilization for commercial purposes through illegal targeted fishing or a purse-seine and artisanal gillnet bycatch. They are also harvested for their gills. (NOAA, 2021d)		
☐	Oceanic whitetip shark	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Threatened due to commercial fisheries bycatch and fin harvesting for international trade. (NOAA, 2021i)		
☐	Indo-West Pacific scalloped hammerhead shark	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Historical and current commercial fishing caused its decline. (WildEarth Guardians and Friends of Animals, 2011)		
☐	Acropora jacquelinae coral	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Threats include climate change (including ocean warming and acidification), diseases, land-based sources of pollution, unstainable fishing, small population size, and habitat degradation (NOAA, 2022b).		
☐	Euphyllia paradivisa coral	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Threats include climate change (including ocean warming and acidification), diseases, land-based sources of pollution, unstainable fishing, small population size, and habitat degradation (NOAA, 2022d).		
☐	Isopora crateriformis coral	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Threats include climate change, including ocean warming and acidification, diseases, land-based sources of pollution, and habitat degradation (NOAA, 2022e).		
☐	Seriatopora aculeate coral	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Cause of decline is attributed to climate change (including ocean warming and acidification), diseases, land-based sources of pollution, and habitat degradation (NOAA, 2022f).		
☐	Acropora globiceps coral	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Cause of decline is attributed to climate change (including ocean warming and acidification), diseases, land-based sources of pollution, unstainable fishing, small population size, and habitat degradation (NOAA, 2022a).		
☐	Acropora retusa coral	☐ Endangered ☐ Threatened	☐ Nearshore ☐ Offshore
	Cause of decline is attributed to climate change (including ocean warming and acidification), diseases, land-based sources of pollution, unstainable fishing, small population size, and habitat degradation (NOAA, 2022c).		

E.4. Essential Fish Habitat in Action Area

Use the Essential Fish Habitat Mapper or ERMA and technical assistance received from NOAA to identify the EFH in the Action Area.

The following lists are not inclusive to all species that may be present in Action Area, and should only be used as a tool to assist in completing the EFHA after engaging in technical assistance with NMFS.

Fishery	Stock or Stock Complex		Life Stage	*Select **all** that apply.*
Crustaceans	Kona crab		Egg/larval	☐
			Juvenile/adult	☐
	Deepwater shrimp		Egg/larval	☐
Bottomfish	Shallow stocks: Green jobfish		Egg	☐
			Post-hatch pelagic	☐
			Post-settlement	☐
			Sub-adult/adult	☐
	Intermediate stocks: Rusty jobfish, Hawaiian pink snapper, Hawaiian black grouper		Eggs	☐
			Post-hatch pelagic	☐
			Post-settlement	☐
			Sub-adult/adult	☐
	Deep stocks: Deepwater red snapper, Deepwater longtail red snapper, Lavender jobfish, Oblique-banded snapper		Eggs	☐
			Post-hatch pelagic	☐
			Post-settlement	☐
	Seamount groundfish		Eggs & post-hatch pelagic	☐
			Post-settlement	☐
			Sub-adult/adult	☐
Coral Reef Ecosystem	Currently harvested coral reef taxa	Labridae	Egg/larval	☐
			Juvenile/adult	☐
		Octopodidae	Egg	☐
			Larval	☐
			Juvenile/adult	☐
		Muraenidae	Egg/larval	☐
			Juvenile/adult	☐
		Carcharhinidae	Egg/larval	☐
		Holocentridae	Juvenile/adult	☐
		Kuhliidae	Juvenile/Adult	☐
		Kyphosidae	Egg/larval/juvenile	☐
			Adult	☐
		Mullidae	Juvenile/adult	☐
		Polynemidae	Juvenile/adult	☐
		Priacanthidae	Juvenile/adult	☐

		Mugilidae	Juvenile/adult	☐
		Scombridae (dogtooth tuna)	Juvenile/adult	☐
		Sphyraenidae	Juvenile/adult	☐
		Aquarium Species/Taxa	Juvenile/adult	☐
	All other currently harvested coral reef taxa		Juvenile/adult	☐
	Potentially harvested coral reef taxa		Egg/larval	☐
			Juvenile/adult	☐
Precious coral	Deep-water		Benthic	☐
	Shallow-water		Benthic	☐
All pelagic fisheries	Tropical and temperate		Egg/larval	☐
			Juvenile/adult	☐

E.5. Habitat Areas of Particular Concern

Use the Essential Fish Habitat Mapper or ERMA to identify Habitat Areas of Particular Concern in the Action Area.

Fishery	Stock or Stock Complex	*Select **all** that apply.*
All pelagic fisheries	Tropical and temperate species	☐
Bottomfish	Shallow-water	☐
	Deep-water	☐
	All bottomfish stocks	☐
	Seamount groundfish	☐
Crustaceans	Kona Crab	☐
Precious Coral	Deep-water	☐
	Shallow-water	☐

F. Response Actions

F.1. Describe the incident/exercise and proposed/executed response actions:

F.2. Anticipated schedule for response actions, including duration of in-water work:

F.3. List of Response Actions

Colors of sections below correlate with NRT Response Actions Matrix where applicable. The Response Action Matrix provides some information on potential impacts of response actions on ESA-listed species.

In the right column below, detail specific information such as the location the action will be employed, type or number of resources to be used (e.g. for use of vessels: one USCG 29-ft RB-S II and a 23-ft work boat to deploy boom around {name of pier}), characteristics of the equipment used for the response action, etc. Include details on how the response action will interact with the water column and substrate (e.g., lowering boom anchor to seafloor).

This is an ☐ initial list of response actions or an ☐ updated list.		
*Select **all** that apply.*	**Action**	**Details / Notes**
Deflection and Containment		
☐	Booming	
☐	Dikes or berms	
☐	Construction barriers, dams, pits, or trenches	
☐	Culvert blocking	
Recovery		
☐	Skimming	
☐	Vacuuming	
☐	Sorbents	
Removal and Clean-up		
☐	Flooding	
☐	Flushing	
☐	Steam cleaning	
☐	Sandblasting	
☐	Mechanical (non-chemical) sand cleaning (surface, < 1-inch)	
☐	Mechanical (non-chemical) sand cleaning (> 1-inch)	
☐	Net use or trawling	
☐	Physical herding	
☐	Oiled debris removal	
Submerged Oil		
☐	Detection of non-floating or submerged oil	
☐	Recovery of non-floating or submerged oil	
☐	Containment of non-floating or submerged oil	
Wildlife Protection		
☐	Deterrence and hazing	

☐	Capture and care of contaminated species or recovery of contaminated carcasses	
Locating, Tracking, and Support		
☐	Use of aircraft	
☐	Use of UAS	
☐	Use of vessels	
☐	Use of ROV	
☐	Use of vehicles	
☐	Use of machinery/supporting equipment	
☐	Creation/Use of access points	
☐	Creation/Use of staging areas (on land)	
☐	Natural attenuation	
☐	Deployment of buoys	
☐	Locating, sampling, and monitoring: Air, land, water (includes SCAT)	
☐	Access of personnel by foot traffic	
Waste Management		
☐	Waste handling	
☐	Temporary storage (on water)	
☐	Temporary storage (on land)	
☐	Decanting	
☐	Decontamination	
Alternative Response Techniques		
☐	Bio-remediation	
☐	Dispersants	
☐	In-situ Burn	
☐	Solidifiers	
☐	Surface washing agents, chemical shoreline cleaners	
☐	Surface collecting agents, herders	
Other		
☐	Vegetation cutting/removal	
☐	Other:	

G. Environmental Baseline Conditions

G.1. Land use. Indicate existing or previous land use activities (e.g. parking lots, industrial facilities, agriculture, dredge disposal, etc.).

G.2. Existing structures. Describe current structures found in the response action area (e.g. bridges, buildings, parking garages, docks, seawalls, jetties, buoys, marinas, etc.)

G.3. Water use. Indicate existing or previous water use activities (e.g. commercial port, dredge operations, underwater pipelines, etc.).

H. Endangered Species Act: Effects of the Actions

Detail the possible effects of each response action on listed species and/or designated critical habitat, make an assessment on how or if the response action may affect the species, and provide effects mitigation measures in form of Best Management Practices. (*Replicate the below box for each response action.)*

Response Action	*Name of Response Action*
Possible Effects	
To determine possible effects, consult the NRT Response Action Matrix. Identify potential stressors to the species from the response action. Note the possible direct and indirect effects.	
Assessment	
Assess how likely the species will be exposed to the response action. Analyze how the species is likely to react to the response action. Evaluate the risk to individuals, population, and species. Indicating whether action occurs nearshore, offshore, or both helps with comparing the response action to the presence of the species as noted in Section D.3.	
Best Management Practices	

The U.S. Coast Guard will employ the following Best Management Practices to mitigate the possible effects of the response action:

Common Best Management Practices can be found on the D14 DRAT CGPortal Page.

Response Action	*Name of Response Action*
Possible Effects	
To determine possible effects, consult the NRT Response Action Matrix. Identify potential stressors to the species from the response action. Note the possible direct and indirect effects.	
Assessment	
Assess how likely the species will be exposed to the response action. Analyze how the species is likely to react to the response action. Evaluate the risk to individuals, population, and species. Indicating whether action occurs nearshore, offshore, or both helps with comparing the response action to the presence of the species as noted in Section D.3.	
Best Management Practices	
The U.S. Coast Guard will employ the following Best Management Practices to mitigate the possible effects of the response action: *Common Best Management Practices can be found on the D14 DRAT CGPortal Page.*	

Response Action	*Name of Response Action*
Possible Effects	
To determine possible effects, consult the NRT Response Action Matrix. Identify potential stressors to the species from the response action. Note the possible direct and indirect effects.	
Assessment	

Assess how likely the species will be exposed to the response action. Analyze how the species is likely to react to the response action. Evaluate the risk to individuals, population, and species. Indicating whether action occurs nearshore, offshore, or both helps with comparing the response action to the presence of the species as noted in Section D.3.
Best Management Practices
The U.S. Coast Guard will employ the following Best Management Practices to mitigate the possible effects of the response action on endangered/threatened species: *Common Best Management Practices can be found on the D14 DRAT CGPortal Page.*

I. Endangered Species Act: Summary of the Effects Determination

Based on the effects of the response actions, provide an affects determination for each species and designated critical habitat in the table below.

Listed Species or Critical Habitat	Determination	Rationale
Name of species; may have multiple in the same box with same determination and rationale (e.g. all of the sea turtles that may be found in the action area).	*No effect;* *May affect, NLAA; or* *May affect, LAA*	*Provide rationale for why determination was made.*

J. Essential Fish Habitat: Analysis of Potential Adverse Effects

To aid in completing this section, reference Minton (2017) for descriptions of the stressors.

*Select **all** that apply.*	**Potential Adverse Effects**	*Select **all** that apply.*	**Response Action that May Cause the Effects**
Environmental Stressors			
☐	Shift in productivity	☐ Benthic	

		☐ Water column	
☐	Thermal	☐ Benthic ☐ Water column	
☐	Salinity	☐ Benthic ☐ Water column	
☐	Noise	☐ Benthic ☐ Water column	
☐	Irradiance	☐ Benthic ☐ Water column	
☐	Hypoxia	☐ Benthic ☐ Water column	
Biological Stressors			
☐	Invasive species	☐ Benthic ☐ Water column	
☐	Disease	☐ Benthic ☐ Water column	
☐	Fish Aggregating Device (FAD) effect	☐ Benthic ☐ Water column	
Physical Stressors			
☐	Physical damage	☐ Benthic ☐ Water column	
Pollution Stressors			
☐	Chemical contaminates	☐ Benthic ☐ Water column	
☐	Nutrient inputs	☐ Benthic ☐ Water column	
☐	Sediment	☐ Benthic ☐ Water column	
Other			
☐		☐ Benthic ☐ Water column	

Use the *Pacific Island Region Office Essential Fish Habitat Draft Consultation Guidance* to identify temporary, short-term, long-term, and permanent adverse effects to EFH.

Identify **temporary** adverse effects to EFH:
Identify **short-time** adverse effects to EFH:
Identify **long-term** adverse effects to EFH:

Identify **permanent** adverse effects to EFH:

K. Essential Fish Habitat: Conservation Recommendations

List the conservation measures the U.S. Coast Guard will employ to avoid and minimize impacts to EFH and HAPC. For each adverse effect, there should be conservation recommendations. Duplicate box below as many time necessary to capture each adverse effect.

Note: Best Management Practices (BMPs) and Conservation Recommendations are the same concept, different terminology (ESA vs. EFH).

Adverse Effect:	*Type of adverse effect (e.g. physical impacts to benthic communities, increase in sedimentation/turbidity, etc.)*
Conservation Measures	
The U.S. Coast Guard will employ the following Conservation Recommendations to avoid and minimize the possible effects of the response action on Essential Fish Habitat and/or Habitat Areas of Particular Concern: *Common Conservation Recommendations can be found on the D14 DRAT CGPortal Page.*	

Adverse Effect:	*Type of adverse effect (e.g. physical impacts to benthic communities, increase in sedimentation/turbidity, etc.)*
Conservation Recommendations	
The U.S. Coast Guard will employ the following Conservation Recommendations to avoid and minimize the possible effects of the response action on Essential Fish Habitat and/or Habitat Areas of Particular Concern: *Common Conservation Recommendations can be found on the D14 DRAT CGPortal Page.*	

Adverse Effect:	*Type of adverse effect (e.g. physical impacts to benthic communities, increase in sedimentation/turbidity, etc.)*
Conservation Recommendations	

The U.S. Coast Guard will employ the following Conservation Recommendations to avoid and minimize the possible effects of the response action on Essential Fish Habitat and/or Habitat Areas of Particular Concern:

Common Conservation Recommendations can be found on the D14 DRAT CGPortal Page.

L. Conclusion

Red font = insert information. Modify as necessary to summarize determinations.

ESA: *If your affects determination is **NLAA**, use the following language to submit the BE for informal consultation:*

In conclusion, relative to the Endangered Species Act, we have determined that the [proposed/response] actions [**may affect, but not likely to adversely affect**] all ESA-listed species and critical habitat considered in the BE, and that any effects from the activities to species and critical habitat by us would be insignificant, discountable, or wholly beneficial. Insignificant effects are so minimal they cannot be measured, whereas discountable effects are those extremely likely to occur, and wholly beneficial effects are those with positive impacts and no associated adverse impacts.

ESA: *If your affects determination is **LAA**, use the following language to submit the BE for formal consultation:*

In conclusion, relative to the Endangered Species Act, we have determined that the [proposed/response] actions [**may affect, likely to adversely affect**] the following ESA-listed species considered in the BE: [list each species/designated habitat]. [Discuss effects to the fitness, survival, and recovery of the species.]

If CH designated:
After reviewing the current status of the ESA-listed species, the environmental baseline within the Action Area, the effects of the [proposed/response] actions, and effects of interrelated and interdependent actions, and its cumulative effects, it is the Action Agency's determination that the [proposed/response] action(s) [is/are] [not] likely to jeopardize the continued existence of [name of the ESA-listed species] [and/or] destroy or adversely modify its [list designated critical habitat] designated critical habitat.

If no CH designated:
After reviewing the current status of the ESA-listed species, the environmental baseline within the Action Area, the effects of the [proposed/response] actions, and effects of interrelated and interdependent actions, and its cumulative effects, it is the Action Agency's determination that the [proposed/response] action(s) [is/are] [not] likely to jeopardize the continued existence of [name of the ESA-listed species]. No critical habitat has been designated or proposed for this species; therefore, none will be affected.

EFH: *If your affects determination is **may adversely affect with minimal impacts or less**, use the following language to submit the EFHA for abbreviated consultation:*

Regarding Essential Fish Habitat, we have determined that the [proposed/response] actions [**would not (have) adversely affect(ed)/may (have) adversely affect(ed)**] Essential Fish Habitat and/or Habitat Areas of Particular Concern. Based on the [short-term/temporary] impacts associated with the response actions, we believe the potential adverse effects will not be substantial.

EFH: *If your affects determination is **may adversely affect with substantial impacts**, use the following language to submit the EFHA for expanded consultation:*

Regarding Essential Fish Habitat, we have determined that the [proposed/response] actions [**would (have) adversely affect(ed)/may (have) adversely affect(ed)**] Essential Fish Habitat and/or Habitat Areas of Particular Concern. Based on the [long-term/permanent] impacts associated with the response actions, we believe the potential adverse effects will have a sustained impact on the following [EFH and/or HAPC]: [list fish stocks and/or HAPC].

The FOSC and NMFS have mutually agreed to conduct an expanded consultation.

M. Literature Cited

Endangered and Threatened Species; Identification and Proposed Listing of Eleven Distinct Population Segments of Green Sea Turtles (Chelonia mydas) as Endangered or Threatened and Revision of Current Listings, 80 Fed. Reg. 15272 (March 23, 2015).

Minton, D. (2017) *Non-fishing effects that may adversely affect essential fish habitat in the Pacific Islands region.* National Marine Fisheries Service, Pacific Islands Regional Office, Honolulu, HI.

NOAA Fisheries. (2021a) *Blue Whale.* Available from: https://www.fisheries.noaa.gov/species/blue-whale

NOAA Fisheries. (2021b) *False Killer Whale.* Available from: https://www.fisheries.noaa.gov/species/false-killer-whale#fwk_esa_listing

NOAA Fisheries. (2021c) *Fin Whale.* Available from: https://www.fisheries.noaa.gov/species/fin-whale

NOAA Fisheries. (2021d) *Giant Manta Ray.* Available from: https://www.fisheries.noaa.gov/species/giant-manta-ray

NOAA Fisheries. (2021e) *Green Turtle.* Available from: https://www.fisheries.noaa.gov/species/green-turtle

NOAA Fisheries. (2021f) *Hawksbill Turtle.* Available from: https:// www.fisheries.noaa.gov/species/hawksbill-turtle

NOAA Fisheries. (2021g) *Leatherback Turtle.* Available from: https://www.fisheries.noaa.gov/species/leatherback-turtle

NOAA Fisheries. (2021h) *Loggerhead Turtle.* Available from: https://www.fisheries.noaa.gov/species/loggerhead-turtle

NOAA Fisheries. (2021i) *Oceanic Whitetip Shark.* Available from: https://www.fisheries.noaa.gov/species/oceanic-whitetip-shark

NOAA Fisheries. (2021j) *Olive Ridley Turtle*. Available from: https://www.fisheries.noaa.gov/species/olive-ridley-turtle

NOAA Fisheries. (2021k) *Sei Whale.* Available from: https://www.fisheries.noaa.gov/species/sei-whale

NOAA Fisheries. (2021l) *Sperm Whale*. Available from: https://www.fisheries.noaa.gov/species/sperm-whale

NOAA Fisheries. (2022a) *Acropora globiceps coral.* Available from: https://www.fisheries.noaa.gov/species/acropora-globiceps-coral

NOAA Fisheries (2022b) *Acropora jacquelineae coral.* Available from: https://www.fisheries.noaa.gov/species/acropora-jacquelineae-coral

NOAA Fisheries. (2022c) *Acropora retusa coral.* Available from:

https://www.fisheries.noaa.gov/species/acropora-retusa-coral

NOAA Fisheries. (2022d) *Euphyllia paradivisa coral.* Available from: https://www.fisheries.noaa.gov/species/euphyllia-paradivisa-coral

NOAA Fisheries. (2022e) *Isopora crateriformis coral.* Available from: https://www.fisheries.noaa.gov/species/isopora-crateriformis-coral

NOAA Fisheries. (2022f) *Seriatopora aculeate coral.* Available from: https://www.fisheries.noaa.gov/species/seriatopora-aculeata-coral

The Society for Marine Mammology (2021). *Species Information - Neomonachus schauinslandi*: https://marinemammalscience.org/facts/neomonachus-schauinslandi/

U.S. Fish and Wildlife Service (USFWS). (2013). *Hawksbill sea turtle 5-year review.* Available from: https://ecos.fws.gov/ecp/species/3656

U.S. Fish and Wildlife Service (USFWS). (2017a). *Hawaiian petrel 5-year review.* Available from: https://ecos.fws.gov/ecp/species/2405

U.S. Fish and Wildlife Service (USFWS). (2017b). *Newell's Townsend's shearwater 5-year review.* Available from: https://ecos.fws.gov/ecp/species/2048

U.S. Fish and Wildlife Service (USFWS). (2021a). *Band-rumped storm-petrel DPS 5-year review.* Available from: https://ecos.fws.gov/ecp/species/1226

U.S. Fish and Wildlife Service (USFWS). (2021b). *Hawaiian hoary bat 5-year review.* Available from: https://ecos.fws.gov/ecp/species/770

WildEarth Guardians and Friends of Animals. (2011) *Petition to List the Scalloped Hammerhead Shark (Sphyrna lewini) Under the Endangered Species Act Either Worldwide or as one or more Distinct Population Segments.* Available from: https://media.fisheries.noaa.gov/dam-migration/scalloped_hammerhead_petition_2011-accessible.pdf