
Regional Response Team (RRT) 6

Endangered Species Act (ESA) and
Essential Fish Habitat (EFH)
Biological Evaluation (BE) Form for
Coast Guard Eighth District Coastal Zone

*(Pre-Spill Consultation, Emergency Consultation, and
Post Response Procedures)*

Annex 29

June 2022

The U.S. Coast Guard (USCG) Eighth District units will use this biological evaluation (BE) form to conduct Endangered Species Act (ESA) §7 Consultation with the U.S. Department of the Interior’s Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS). This form will be used to cover oil spill and/or hazardous substance response actions within the Eighth Coast Guard District coastal zone, which includes the states of Alabama, Florida, Louisiana, Mississippi, and Texas.

This form will be utilized by the USCG for future pre-spill consultations. This form will also be filled out by the USCG and used by the USFWS and the NMFS to review response actions for potential impacts to federally listed species. The form will provide information to initiate and conclude emergency consultations under §7 the ESA. The form will also be used to document (1) a “No Effect” determination, (2) to request technical assistance, or (3) to document up to the May Affect, Not Likely to Adversely Affect threshold. Further information may be required beyond what is captured on this form. **Note:** If you need additional space for writing, please use the last page of this document (titled Additional Information). If you need more space than that, please attach pages as needed.

When needed and applicable, this form will also be completed to inform and evaluate additional needs for compliance with the following authorities: Magnuson-Stevens Fishery Conservation and Management Act (for Essential Fish Habitat [EFH]), Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA).

The three ESA thresholds, which are used to determine action necessary by the FOSC, are:

- (1) No Effect (none at all, negative or positive);
- (2) May Affect; Not Likely to Adversely Affect, (NLAA); and
- (3) May Affect; Likely to Adversely Affect (LAA).

The two EFH thresholds, which are used to determine action necessary by the FOSC, are:

- (1) Would Not Adversely Affect; and
- (2) May Adversely Affect (Adverse Effects are any effect that reduces the quality or quantity of EFH).

A. Incident Details:

USCG Unit:						
FOSC:					Email:	
					Phone:	
FOSCR:					Email:	
					Phone:	
Person Completing this Form:			Date Form Completed:		Email:	
					Phone:	
Form Updated:		Consultation/Technical Assistance Completed:				
Name of Incident:					Date of Incident:	
Type of Incident: <i>(e.g., vessel grounding, vessel collision, pipeline, transfer)</i>						
State(s) and County/Parish of action area:						
Latitude/Longitude for action area: <i>(Decimal degrees [e.g., 27.71622°N, 80.25174°W online conversion])</i>					Latitude:	
					Longitude:	

B. Supporting Documentation

Please attach any maps, aerial photographs, or additional information that will support the information in this BE form. Examples of such supporting documentation include, but are not limited to:

1. Aerial images of response action area and surrounding area
2. Map of response action area with elements proposed (polygons showing proposed response action elements)
3. Map of response action area with critical habitat units or sensitive habitats overlaid (e.g., seagrass beds, Essential Fish Habitat, etc.)

C. Incident Phase and Supporting Documentation

Please choose the box or boxes which best describe the Action status, as proposed in this BE form:

- Pre-Spill Consultation
- Technical Assistance
- Initiate Emergency Consultation
- No Effect Determination
- Not Likely to Adversely Affect Determination; Initiate Informal Consultation
- Likely to Adversely Affect Determination; Initiate Formal Consultation
- Complete Emergency Consultation

D. Existing Compliance Documentation

1. Previously completed Endangered Species Act (ESA) consultation documents:

Example: Are there any completed informal or formal ESA consultations that cover all or part of this response action, such as preauthorizations for the use of surface washing agents, dispersants, and in-situ burning?

- YES
- NO

2. National Environmental Policy Act (NEPA) Documents:

Example: Are there any existing draft or final NEPA analyses that cover all or part of this action, not including the Deepwater Horizon Programmatic Damages Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS)?

- YES
- NO

Examples:

- Restoration Plan/Environmental Assessment (EA) or Environmental Impact Statement (EIS)
- USACE programmatic NEPA analysis
- USACE Clean Water Act individual permit for the project
- NEPA analysis provided by a federal agency that gave approval, funding or authorization

If “Yes” is checked for any question above, please provide details in the text box below (i.e., link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the consultation document, etc.). This is needed to check for consistency across different sources and to facilitate the NEPA and ESA analysis. If you do not have a link, email the documents to NMFS and/or USFWS.

Any documentation or information provided will be very helpful in completing this consultation.

E. Description of Response Action Area

Provide a description of the existing environment (e.g., vegetation type, substrate type, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction) and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the response action(s). If possible, provide name of waterbody in the “Additional Information” column. **The information provided in this section will be used in both ESA Emergency Consultation and Essential Fish Habitat (EFH) analyses, so please provide additional information to the maximum extent practicable.**

1. Habitat Type(s) that may be affected or impacted by response actions:

Please select **all** that apply in the table below.

Check <u>All</u> that occur in Response Action Area	Habitat Type	Exposed	Not Exposed	Additional Information
<input type="checkbox"/>	Artificial Reefs	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Beach	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Coastal Lagoon	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Corals	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Dune	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Emergent Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Freshwater <input type="checkbox"/> Intermediate <input type="checkbox"/> Brackish <input type="checkbox"/> Saltwater
<input type="checkbox"/>	Forested Wetland (freshwater)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Forested Batture <input type="checkbox"/> Bottomland Hardwoods <input type="checkbox"/> Swamp
<input type="checkbox"/>	Intertidal Sand/Mud/Algal Flats	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Island	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Bird Nesting Island
<input type="checkbox"/>	Lake/Lacustrine (freshwater)	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Mangroves	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Marine (open water)	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Riverine/Riparian (freshwater)	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Rocky Intertidal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rip-rapped shoreline <input type="checkbox"/> Rock breakwater(s) <input type="checkbox"/> Jetty(ies)
<input type="checkbox"/>	Seagrasses	<input type="checkbox"/>	<input type="checkbox"/>	

Check <u>All</u> that occur in Response Action Area	Habitat Type	Exposed	Not Exposed	Additional Information
	Submerged Aquatic Vegetation			
<input type="checkbox"/>	Wetland (freshwater)	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (list below)				
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

2. **Soils and Sediments:** If applicable, indicate topography, soil type, substrate type.

3. **Land Use:** If applicable, indicate existing or previous land use activities (e.g., parking lots, industrial facilities, agriculture, dredge disposal, etc.)

4. **Existing Structures:** If applicable, describe the current and historical structures found in the response action area (e.g., buildings, parking lots, docks, seawalls, jetties, marina, etc.) in the space below.

F. Incident and Response Action Description

1. **Describe the Incident and the proposed Response Actions Objectives:** Describe in detail the equipment and methods needed; long-term vs. short-term impacts; duration of short-term impacts; dust, erosion, and sedimentation controls; restoration areas; whether the response actions are part of a larger action or plan; and what approvals will need to be obtained. Attach the ICS 201 and other ICS forms as applicable.

2. **Schedule for Response Actions:** What is the anticipated schedule (e.g., days, weeks, months, etc.) for each phase of work? Include duration of in-water work.

3. **Response Actions to be implemented:** Please select **all** that apply in the table below.

Initial List of Response Actions

Updated List of Response Actions

Select <u>All</u> That Apply	Response Actions	Details / Notes
<input type="checkbox"/>	Barriers / Berms / Fences / Dams	
<input type="checkbox"/>	Booming (Containment / Exclusion) (Indicate details in Notes column)	
<input type="checkbox"/>	Culvert Blocking	
<input type="checkbox"/>	Dispersants	
<input type="checkbox"/>	Elasticity Modifiers	
<input type="checkbox"/>	Emulsifying Agents	
<input type="checkbox"/>	Flooding / Flushing	
<input type="checkbox"/>	In-situ Burning	
<input type="checkbox"/>	Manual Oil Removal / Cleaning	
<input type="checkbox"/>	Natural Attenuation (Indicate with or without monitoring in Notes column)	
<input type="checkbox"/>	Net Use or Trawling	
<input type="checkbox"/>	Nutrient Enrichment / Bioremediation	
<input type="checkbox"/>	Oiled Vegetation Cutting / Removal	
<input type="checkbox"/>	Oiled Debris Removal	
<input type="checkbox"/>	Physical Herding	
<input type="checkbox"/>	Pre-oiling Debris Removal	
<input type="checkbox"/>	Sand Blasting	
<input type="checkbox"/>	Sand Cleaning (non-chemical)	
<input type="checkbox"/>	Sediment Removal / Dredging	
<input type="checkbox"/>	Sediment Reworking / Tilling	
<input type="checkbox"/>	Shoreline Cleaning	
<input type="checkbox"/>	Skimming	
<input type="checkbox"/>	Solidifiers	
<input type="checkbox"/>	Sorbents (specify type in notes – e.g., sausage, pom- pom, particulate: Bagasse, peat moss, natural/organic, etc.)	
<input type="checkbox"/>	Staging Areas / Access Points (Indicate if existing or to be created)	
<input type="checkbox"/>	Steam Cleaning	
<input type="checkbox"/>	Surface Washing Agent / Chemical Shoreline Cleaners	
<input type="checkbox"/>	Surface Collecting Agents / Herders	
<input type="checkbox"/>	Trenching	
<input type="checkbox"/>	Vacuuming	
<input type="checkbox"/>	Vessel / Container Removal	
<input type="checkbox"/>	Wildlife Hazing (Indicate type in Notes column)	
<input type="checkbox"/>	OTHER – Indicate in Notes column	

4. **Vessels to be used during or to implement response actions:** Please select all that apply in the table below. In the **details/notes** column, provide how many of each vessel type will be used throughout the response and the expected number of hours of operation for each vessel.

- Initial List of Vessels
- Updated List of Vessels

Check <u>All</u> That Apply	Vessel / Vehicle	Details / Notes
<input type="checkbox"/>	Airplanes	
<input type="checkbox"/>	All-Terrain Vehicles (ATVs)	
<input type="checkbox"/>	Boats / Airboats	
<input type="checkbox"/>	Drones / Unmanned Aerial Systems (UASs)	
<input type="checkbox"/>	Heavy Equipment	
<input type="checkbox"/>	Helicopters	
<input type="checkbox"/>	Staging Areas	
<input type="checkbox"/>	Truck or Other Automobile	
<input type="checkbox"/>	OTHER – Indicate in Notes column	

G. NMFS Species and Critical Habitat and Effects Determination Requested

If all direct and indirect effects of the proposed response actions occur in a location that does not contain any listed or proposed NMFS species or designated/proposed critical habitats, **OR** if those response actions and their effects have been covered under previous existing consultations, please check the appropriate box below. If one of these boxes are checked, you may skip Section G and proceed to Section H.

- All direct and indirect effects of the proposed response actions occur in a location that does not contain any listed or proposed NMFS species or designated/proposed critical habitats.
- All direct and indirect effects of the proposed response actions have been accounted for under an existing ESA Section 7 consultation.

1. **List all species, critical habitat, proposed species, and proposed critical habitat that may be found in the response action area.** Species that do not currently occur in the response action area (but are listed on parish/county species lists) do not need to be listed in drop downs.

2. **Attach a separate map identifying species/critical habitat locations within the response action area.** Not applicable if any other attached map(s) include this information. For information on species and critical habitat under NMFS jurisdiction, visit:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if Gulf Sturgeon are in marine or in freshwater in your Species and/or Critical Habitat (CH) list to determine which federal agency will perform the analysis (e.g., Gulf Sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g., Loggerhead sea turtle CH - terrestrial).

NMFS Species and Critical Habitat and Effects Determination Requested								
Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Effects Determination			For "No Effect," please select justification		
			No Effect	May Affect, Not Likely to Adversely Affect	May Affect, Likely to Adversely Affect	No suitable habitat in response action area	Species does not occur in response action area	Direct or indirect effects would not result from response actions
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Determination Definitions (these definitions apply for both the species determination and the designated critical habitat determination):

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed or proposed species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed or proposed species or designated/proposed critical habitat, or there may be beneficial effects to these resources. The USCG would request the USFWS and/or NMFS to concur with the not likely to adversely affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the §7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed or proposed species or designated/proposed critical habitat. The USCG would request formal consultation with the USFWS and/or NMFS for a response action(s) with a likely to adversely affect determination; the USFWS' and/or NMFS' response would be a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its cumulative effects, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal §7 consultation and will require additional information.

H. USFWS Species and Critical Habitat and Effects Determination Requested

If all direct and indirect effects of the proposed response actions occur in a location that does not contain any listed or proposed USFWS species or designated/proposed critical habitats, **OR** if those response actions and their effects have been covered under previous existing consultations, please check the appropriate box below. If one of these boxes is checked, you may skip Section H and proceed to Section I.

- All direct and indirect effects of the proposed response actions occur in a location that does not contain any listed or proposed USFWS species or designated/proposed critical habitats.
- All direct and indirect effects of the proposed response actions have been accounted for under an existing ESA Section 7 consultation.

USFWS Species and Critical Habitat and Effects Determination Requested								
Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Effect Determinations			For "No Effect," please select justification		
			No Effect	May Affect, Not Likely to Adversely Affect	May Affect, Likely to Adversely Affect	No suitable habitat in response action area	Species does not occur in response action area	Direct or indirect effects would not result from response actions
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select a species or critical habitat		Select location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Determination Definitions (these definitions apply for both the species determination and the designated critical habitat determination):

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed or proposed species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed or proposed species or designated/proposed critical habitat, or there may be beneficial effects to these resources. The USCG would request the USFWS and/or NMFS to concur with the not likely to adversely affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the §7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed or proposed species or designated/proposed critical habitat. The USCG would request formal consultation with the USFWS and/or NMFS for a response action(s) with a likely to adversely affect determination; the USFWS' and/or NMFS' response would be a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its cumulative effects, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal §7 consultation and will require additional information.

I. Effects of the proposed response actions to the LISTED SPECIES and measures taken to reduce impacts

NOTE: Species selected as "No Effect" with justification in the above tables do not need to be addressed in Section I or J.

- 1. Explain the potential beneficial and adverse effects to each species listed above.** Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts, and where possible, quantify those effects.

2. **If species are present (or potentially present) and will not be adversely affected, describe your rationale.** If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

3. **Explain the measures taken to reduce adverse effects to each species listed above.** For each species for which impacts were identified, describe any conservation measures or best management practices (BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. **Conservation measures** are considered part of the proposed actions and their implementation **is required**. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinstate this consultation.

4. **Frequently Recommended BMPs:** This checklist provides standard BMPs recommended by NMFS and USFWS. Please select any BMPs that will be implemented:
- [USFWS Standard Conditions for Operations in Manatee Habitat](#). *Please note that manatees are also protected by the MMPA (Section K) and these BMPs also address the MMPA*
 - [USFWS Avoidance and Minimization Measures for Piping Plover and Red Knot for Shoreline Activities](#)
 - [USFWS Black Rail Conservation Recommendations](#)
 - [NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions](#)
 - [NMFS Measures for Reducing the Entrapment Risk to Protected Species](#)
 - [NMFS Vessel Strike Avoidance Measures and Reporting for Mariners](#)
5. **Additional BMPs or Conservation Measures, including those for Essential Fish Habitat (EFH)**
- a. Attachment I: Essential Fish Habitat – Gulf of Mexico provides a description of EFH in the Gulf of Mexico, including describing and listing the current Habitat Areas of Particular Concern (HPACs). For the most current version of this guidance, visit:
<https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast>.
 - b. Attachment II: EFH BMPs for Certain Response Activities in the NMFS Southeast Region provides the recommended BMPs for EFH. For the most current version of this guidance, visit:
<https://www.fisheries.noaa.gov/southeast/habitat-conservation/essential-fish-habitat-emergency-consultations-southeast>.
 - c. Chapter 6 of the Deepwater Horizon Programmatic Damages Assessment and Restoration Plan (PDARP) included an important appendix (6.A) of best practices, see information starting on page 6-173:
http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf.

6. Use the space below to indicate which BMPs or conservation measures will be implemented during response actions (that were not listed in Section I above).

J. Effects to CRITICAL HABITATS and actions to reduce impacts

NOTE: Species selected as “No Effect” with justification in table do not need to be addressed in Section I or J.

1. **Explain the potential beneficial and adverse effects to critical habitat listed above.** Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g., acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

2. **Explain the actions to reduce adverse effects to critical habitat listed above.** For critical habitat for which impacts were identified, describe any conservation measures or BMPs that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. *Conservation measures* are considered part of the proposed action and their implementation **is required**. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

K. Marine Mammals

1. Marine Mammals that *may be* present in the response action area (**Manatees are also covered in Section I**):

Dolphins	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Whales	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Manatees	<input type="checkbox"/> YES	<input type="checkbox"/> NO

2. **If applicable, indicate and describe the species found in the response action area in the space provided below.** For more information, refer to the most recent [NMFS' Stock Assessment Reports \(SARs\)](#).

3. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g., whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition, if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the NMFS and/or USFWS to quickly determine if response actions have the potential to result in *take* to marine mammals. If the information provided indicates that incidental take is possible, further discussion with the NMFS and/or USFWS **is required**.

- a. Is your action occurring in or on marine or estuarine waters?
 - YES
 - NO

- b. If yes, is your action likely to cause large-scale, ecosystem level impacts to the quality (e.g., salinity, temperature) of marine or estuarine waters?
 - YES
 - NO

4. If yes, describe actions further using checkboxes in the table below. Does your action involve any of the following:

Yes	No	Action
<input type="checkbox"/>	<input type="checkbox"/>	Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz
<input type="checkbox"/>	<input type="checkbox"/>	In-water construction or demolition
<input type="checkbox"/>	<input type="checkbox"/>	Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)
<input type="checkbox"/>	<input type="checkbox"/>	In-water explosive detonation
<input type="checkbox"/>	<input type="checkbox"/>	Aquaculture
<input type="checkbox"/>	<input type="checkbox"/>	Restoration of barrier islands, levee construction, or similar projects
<input type="checkbox"/>	<input type="checkbox"/>	Fresh-water river diversions
<input type="checkbox"/>	<input type="checkbox"/>	Building or enhancing areas for water-related recreational use or fishing opportunities (e.g., fishing piers, bridges, boat ramps, marinas)
<input type="checkbox"/>	<input type="checkbox"/>	Dredging or in-water construction actions to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.
<input type="checkbox"/>	<input type="checkbox"/>	Conducting driving of sheet piles or pilings
<input type="checkbox"/>	<input type="checkbox"/>	Use of floating pipeline during dredging actions

5. If you checked “Yes” to any of the actions immediately above, or if the action *could impact* the quality of marine or estuarine waters, please describe the nature of the actions in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: <http://www.nmfs.noaa.gov/pr/acoustics/faq.htm>.

6. Frequently Recommended BMPs for marine mammals (Manatees are covered in Section I): This checklist provides standard BMPs recommended by NMFS. Please select any BMPs that will be implemented:
- [NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines](#)
 - [NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions](#)
 - [NMFS Measures for Reducing the Entrapment Risk to Protected Species](#)
 - [NMFS Vessel Strike Avoidance Measures and Reporting for Mariners](#)
 - [Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign](#)
7. If not listed above, please describe any additional BMPs or conservation measures that may be implemented for marine mammals.

L. Bald Eagles

1. Are bald eagles present in the response action area?
 - YES
 - NO

2. If YES, the following conservation measures should be implemented:
 - a. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all actions (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
 - b. If a similar action (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated action.
 - c. If a vegetated buffer is present and there is no line of sight to the nest and a similar action is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated action.

3. In some instances, actions conducted at a distance greater than 660 feet of a nest may result in disturbance. If an action appears to cause initial disturbance, the action shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

4. Will you implement the above measures?
 - YES
 - NO
 - Not Applicable (N/A)

5. If these measures cannot be implemented, then you must contact the Service’s Migratory Bird Permit Office.
- Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
 - Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

M. Colonial Nesting Waterbirds

Colonial nesting waterbirds can be found throughout the coastal zone. In accordance with the Migratory Bird Treaty Act of 1918 (as amended) and Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), please be advised that the currently proposed response actions may be located in habitats which are commonly inhabited by colonial nesting waterbirds and/or seabirds. Although several comprehensive coast-wide surveys have been recently conducted to determine the location of newly-established nesting colonies, the USFWS recommends that a qualified biologist inspect the proposed response area for the presence of undocumented nesting colonies during the nesting season because some waterbird colonies may change locations year-to-year.

- For additional conservation measures regarding solitary nesting species, such as Wilson’s plover, common nighthawk, black-necked stilt, osprey, etc., or regarding secretive marsh birds that nest in the coastal zone, such as rails, soras, gallinules, etc., please speak to the USFWS point of contact listed below.
- If for any reason, there should be the need for a flare stack during response actions, guidance regarding bird conservation measures for flare stack operations can be found here: <https://www.fws.gov/story/incidental-take-beneficial-practices-gas-flares>
- For information regarding which bird species may be present in the area, please visit: <https://ebird.org/explore>.
- If the USCG would like to report any banded birds observed during response actions to aid in resighting efforts, reporting can be done here: <https://www.fws.gov/project/bird-banding-conservation-tool-within-migratory-bird-program>.
- For general information regarding migratory birds: <https://www.fws.gov/program/migratory-birds>.
- Send all migratory bird (nesting bird) inquiries to the Regional MB Coordinator:

Jeffrey S. Gleason, PhD (Jeffrey_Gleason@fws.gov)
 Gulf of Mexico Migratory Bird Coordinator
 USFWS, Mississippi Basin & South Atlantic-Gulf Regions
 Work Phone: (352) 493-0238 x231 / Mobile: (985) 377-3677 / Fax: (352) 493-1933

1. Will you implement the above measures for colonial nesting waterbirds (indicate which species in additional space provided below)?
- YES
 - NO
 - Not Applicable (N/A)

2. Will you implement any other measures for solitary nesting birds, as discussed with the USFWS point of contact (indicate which species in additional space provided below)?

- YES
- NO
- Not Applicable (N/A)

3. Will you implement the above measures for flare stacks?

- YES
- NO
- Not Applicable (N/A)

4. **Submitting the Biological Evaluation (BE) Form**

The USFWS and NMFS request that all BE forms be emailed (**separately**) to the appropriate point of contact for review (see below for a current list). Upon receipt, USFWS/NMFS representative will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, USFWS/NMFS representative will work with the USCG until the BE form is considered complete. Once complete, the USCG will use the BE form to initiate and/or conduct any appropriate consultation.

Note: If needed for reference, guidance, or information specific to consultation with NMFS, the NMFS' Emergency Consultation webpage has relevant info and contacts:

<https://www.fisheries.noaa.gov/content/endangered-species-act-emergency-consultations-southeast>.

O. Completed BE forms should be directed to:

USFWS ESA §7 Consultation		
State	Primary	Secondary
Alabama: Ecological Services Field Office	Morgan Brizendine Morgan_Brizendine@fws.gov Fish and Wildlife Biologist Phone: (251) 441-5839	Jeff Powell Jeff_Powell@fws.gov Deputy Field Supervisor Office: (251) 441-5858 Cell: (251) 599-2014
Florida: Ecological Services Field Office	Catrina Martin Catrina_Martin@fws.gov Supervisor Environmental Review Cell: (772) 559-9443	Lisa Yarbrough Lisa_Yarbrough@fws.gov
Louisiana: Ecological Services Field Office	Amy Trahan Amy_Trahan@fws.gov Fish and Wildlife Biologist Office: (337) 291-3126	Brigitte Firmin Brigitte_Firmin@fws.gov Deputy Supervisor Mississippi Basin Region Office: (337) 291-3108 Cell: (337) 258-4184
Mississippi: Ecological Services Field Office	Paul Necaie Paul_Necaie@fws.gov Fish and Wildlife Biologist Office/cell: (228) 493-6631	David Felder David_Felder@fws.gov Supervisory Fish and Wildlife Biologist Office: (601) 321-1131 Cell: (601) 906-6706
Texas: Ecological Services Field Office	Denise Ruffino Denise_Ruffino@fws.gov Fish and Wildlife Biologist Office: (281) 212-1514 Cell: (281) 667-2088	Heather Biggs Heather_Biggs@fws.gov Fish and Wildlife Biologist Office: (281) 212-5882 Cell: (832) 205-6502

NMFS ESA §7 Consultation and EFH Consultation

For emergency ESA (and EFH) consultations, the USCG should contact NOAA Fisheries as soon as possible using the following group email account: nmfs.ser.emergency.consult@noaa.gov.
The individual NOAA Fisheries POCs listed below are included in the group email, so please do not send consultation related emails to their individual email accounts.

	Primary	Secondary
NMFS ESA:	Joe Cavanaugh Joseph.Cavanaugh@noaa.gov Section 7 Consultation Biologist Interagency Cooperation Branch	Karla Reece Karla.Reece@noaa.gov Section 7 Team Lead Interagency Cooperation Branch
NMFS EFH:	David Dale David.Dale@noaa.gov Fish Biologist – Habitat/EFH Habitat Conservation Division Phone (727) 551-5736	None

For informational purposes

Please add the **U.S. Dept. of the Interior’s (DOI) Regional Environmental Officer (REO)** and the **NOAA Scientific Support Coordinator (SSC)** assigned to the incident to the “cc” line of your email when submitting **any** version of this form to the USFWS and NMFS for review and/or concurrence. **Additionally**, please also “cc” the D8 Incident Management and Preparedness Advisor Michael.K.Sams@uscg.mil and District Response Advisory Team members Brandon.L.Todd@uscg.mil and Todd.M.Peterson@uscg.mil to your email when submitting **any** version of this form to the USFWS and NMFS for review and/or concurrence.

P. Concurrence Requested by USCG Official:

Signature
Signature

Q. The “Services” Determination:

Service	POC	Effects Determination				Recommendation			Concurrence	Approved by	Consultation Complete						
		ESA		EFH		No Action	Informal Conference Recommended	Formal Consultation / Conference Required									
		May Affect; Not likely to Adversely Affect	May Affect; Likely to Adversely Affect	No Adverse Effect	May Adversely Affect												
USFWS ESA	Signature	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signature	Select							
	Choose an item.								Signature								
	Signature								<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signature	Select
	Choose an item.								<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signature	
NMFS ESA	Signature	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signature	Select							
	Choose an item.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signature								
NMFS EFH	Signature	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signature	Select							
	Choose an item.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signature								

Additional Information:

A large, empty rectangular box with a light gray background and a black border, intended for providing additional information.