

---

Central Texas Coastal  
Area Contingency Plan  
(CTCACP)

Surface Washing Agent  
Preauthorization

**Annex 7a**  
May 2022

---

**Record of Changes**

<b>Change Number</b>	<b>Change Description</b>	<b>Section Number</b>	<b>Change Date</b>	<b>Name</b>
1	Converted ACP Section 3253 to Annex 7a	All	Mar 2022	Todd Peterson, CGD 8
2				
3				
4				
5				
6				
7				
8				
9				
10				

Table of Contents

1000 Introduction..... 1  
    1100 Purpose ..... 1  
    1200 Background..... 1  
2000 Area Characterization ..... 2  
3000 Minimum Requirements for Preauthorized Use ..... 2  
4000 Summary ..... 2  
5000 Resources at Risk in the Preapproved Areas for Surface Washing Agents..... 5  
    5100 Introduction ..... 5  
    5200 Geographic Region Covered..... 5  
    5300 Habitat ..... 5  
    5400 Essential Fish Habitat ..... 5  
6000 Surface Washing Agent Consultation Correspondence for Establishing Preauthorization ... 5  
    6100 RRT-6 Preapproval Memo ..... 6  
    6200 USCG FOSC Memo Request for Preapproval to RRT..... 7  
    6300 USFWS Endangered Species Act Consultation Response ..... 8  
    6400 National Marine Fisheries Service (NMFS) Endangered Species Act Consultation Response ..... 9  
    6500 NMFS EFH Consultation Response ..... 18  
    6600 State of Texas (TGLO) Concurrence..... 19

List of Figures

Figure 1: Upper Houston Ship Channel (including Barbour’s Cut) Preapproval Areas..... 3  
Figure 2: Bayport Ship Channel Preapproval Area ..... 3  
Figure 3: Texas City Ship Channel and Galveston Channel Preapproval Areas ..... 4  
Figure 4: Freeport Preapproved Area ..... 4

## 1000 Introduction

### 1100 Purpose

This document was prepared to assist the U.S. Coast Guard Federal On-Scene Coordinator (FOSC) with utilizing surface washing agents (SWA) with preauthorization in the following five port locations:

- Upper Houston Ship Channel (including Barbour's Cut)
- Bayport Ship Channel
- Freeport
- Texas City Ship Channel
- Galveston Channel

This preauthorization is only for the use of these agents on vessel hulls and hard structures in these areas.

### 1200 Background

SWAs are chemicals that are used to enhance oil removal from hard surfaces. They generally contain a mixture of a non-polar solvent and a surfactant. The solvent dissolves into the highly viscous or weathered oil to create a less viscous and somewhat uniform liquid oil or oily mixture. The surfactant reduces the interfacial tension between the liquid oil and the surface the oil has adhered to. Depending on environmental conditions and the combination of solvents and surfactants, the removed oil will either float or disperse. The latter may have a negative environmental impact, making SWAs with the "*lift and float*" characteristics generally preferable.

SWAs cannot be used unless they are listed on the NCP Product Schedule. SWA use is preauthorized by RRT-6 for "*lift and float*" products *only* for locations pre-identified within the Area Contingency Plan. For the most up-to-date policy, procedures and checklists when using SWAs within the RRT-6 coastal zone please refer to RRT-6 Surface Washing Agents (SWAs) Policy, [Annex 23](#) of the RRT-6 RCP. The policy outlines the requirements for all aspects of pursuing preauthorization; the parameters for an incident where the FOSC does not have preauthorization (Section 5); expectations for utilizing SWA under a preauthorization (Section 6); monitoring forms (Enclosure 3); and After Use reports (Enclosure 4).

In 2014, the Central Texas Coastal Area Committee obtained preauthorization for the use of SWAs in five port locations (Figures 1-4). [Section 6000](#) provides the correspondence among the Services (U.S. Fish and Wildlife Service and National Marine Fisheries Service) during the Endangered Species Act and Essential Fish Habitat consultation process for establishing this preauthorization. During the process, it was determined that no specific areas within the boundary require additional restrictions. However, coordination through the Incident Command System Environmental Unit (if established) or resource coordinators engaged in the response would ensure proper safety precautions are utilized. For example, if there is an adjacent fringing marsh habitat, additional containment boom might be recommended.

Alternatively, isolation distances from an identified sensitive habitat would be created. Given the complexities of oil spill cleanup, the workgroup desired to maintain a degree of flexibility and develop restrictions and/or additional safety precautions on a case-by-case basis. It was also determined that riprap would be considered a hard structure suitable for the use of surface washing agents *only* if there is consensus from the Environmental Unit (if established) and resource agency personnel engaged in the response.

### 2000 Area Characterization

The five preapproved areas are located within industrial areas with relatively few natural resources that are considered highly sensitive with respect to the use of surface washing agents. The shorelines in the proposed preapproval area are dominated by hard man-made structures (including riprap) with some smaller isolated marshes, mixed sand and gravel beaches, and scarps. [Section 5000](#) provides Resources at Risk (RAR) analysis for the proposed area. Identified in the RAR are threatened/endangered species (piping plovers) that reside or frequent the area to feed.

### 3000 Minimum Requirements for Preauthorized Use

In addition to the requirements in the RRT-6 Policy, the following outlines the minimum requirements that the FOSC must consider when approving the use of surface washing agents.

- Ensure public safety. This has not been an issue in past responses since the public is generally excluded from cleanup areas. Regardless, ensuring public health and safety is the basic premise for any response action.
- The location where surface washing agents are to be used is within the preauthorized zones (Figures 1-4).
- Consultation with the Environmental Unit (if established) or natural resource protection managers to determine if any additional restrictions or additional safety precautions are required in the proposed operation. Such consultation would also be required for any cleaning of riprap to evaluate if response trade-off is appropriate.
- Ensure that the spill management team develops an approved plan that includes worker safety precautions. This plan should be submitted in writing to the FOSC and should be incorporated into the Incident Action Plan.
- Surface washing agents are not intended to be used in or near sea grass areas.
- In consideration of the safety of workers assigned to the application of surface washing agents, and in consideration of the protection of the environment, it is preferred that surface washing agents are applied during daylight hours.

### 4000 Summary

As previously stated, this document was prepared to assist the FOSC utilize RRT-6 surface washing agent preauthorization for the cleanup of vessel hulls and hard structures in port and industrial areas within the five preapproval areas (Figures 1-4).



Figure 1: Upper Houston Ship Channel (including Barbour's Cut) Preapproval Areas



Figure 2: Bayport Ship Channel Preapproval Area

# Central Texas Coastal Area Contingency Plan



Figure 3: Texas City Ship Channel and Galveston Channel Preapproval Areas



Figure 4: Freeport Preapproved Area

## **5000 Resources at Risk in the Preapproved Areas for Surface Washing Agents**

### **5100 Introduction**

This information was prepared in January-March 2014 as part of the request process for the preapproval use of surface washing agents within the five specific port areas within the Central Texas Coastal ACP planning area. The ESI shorelines, essential fish habitat, and species information for the proposed area was compiled from the latest data collected by Texas General Land Office, Texas Parks and Wildlife Department and the USFWS to ensure the most up-to-date information was available for this project. Please refer to [Section 6400](#) for information related to NMFS ESA species.

### **5200 Geographic Region Covered**

The area consists of five specified areas within the CTCACP planning area (see Figures 1-4).

### **5300 Habitat**

#### *Shoreline Resources at Risk*

The shorelines within the five preapproved areas are predominantly armored with sheltered man-made structures, riprap and other erosion control structures. Sections of unarmored shoreline area are wetlands characterized as estuarine; intertidal; unconsolidated; excavated shores that have naturalized to tidal flats, scarps, beaches of varying grain sizes and fringe salt water marshes.

### **5400 Essential Fish Habitat**

The five preapproved areas are located within the Essential Fish Habitat (EFH) designated areas for red drum, reef fish, shrimp, stone crab, and coastal migratory pelagic fish (NOAA, 2005). EFH consists of areas of higher species densities, based on the NOAA atlas and functional relationships analysis for these species. None of the five areas are considered a habitat area of particular concern (HAPC) or an EFH area protected from fishing.

## **6000 Surface Washing Agent Consultation Correspondence for Establishing Preauthorization**

The following sections capture the correspondence between the USCG, the Services (U.S. Fish and Wildlife Service and National Marine Fisheries Service), and Regional Response Team 6 (RRT-6).

6100 RRT-6 Preapproval Memo



Regional Response Team

WWW.RRT6.ORG

- Environmental Protection Agency
- United States Coast Guard
- Department of Commerce
- Department of the Interior
- Department of Sanitation
- Department of State
- Department of Justice
- Department of Transportation
- Department of Health and Human Services
- Federal Emergency Management Agency
- General Services Administration
- Department of Energy
- Department of Labor
- Department of Defense
- Nuclear Regulatory Commission
- State of Arkansas
- Tennessee
- New Mexico
- Oklahoma
- Texas

From: Regional Response Team (RRT) 6

To: B. K. PENoyer, CAPT  
CG SECTOR Houston-Galveston

Date: October 10, 2014

Subj: SURFACE WASHING AGENT PREAUTHORIZATION

Ref: (a) RRT-6 Emergency Response Preauthorization Guidelines to Decontaminate Vessels and Hard Structures in Port Areas Using Surface Washing Agents, dated 2003  
(b) Your memo 16474 dated 15 Sep 2014

1. Per reference (a), RRT6 grants you, as the Chair of the Central Texas Coastal Area Committee (CTCAC) and pre-designated Federal On-Scene Coordinator, surface washing agent preauthorization. As such, you will implement this preauthorization through the Central Texas Coastal Area Contingency Plan (CTCAC) Section 3253 which can be accessed at the following website: <http://www.homeport.uscg.mil/>. Per 40 CFR 300.5, a surface washing agent is any product that removes oil from solid surfaces through a detergent mechanism and does not involve dispersing or solubilizing the oil into the water column. This preauthorization is granted for the following five port locations as specified within reference (b) and the CTCACP Section 3253:
  - a. Upper Houston Ship Channel (including Barbour's Cut)
  - b. Dayport Ship Channel
  - c. Freeport
  - d. Texas City Ship Channel
  - e. Galveston Channel
2. This preauthorization has no expiration date; however, we encourage the CTCAC to conduct periodic review of locations and response protocols, updating as necessary. Any requests for surface washing agents beyond these five identified port locations must be directed to the RRT6 for consideration.
3. Thank you for your commitment to improved preparedness. Please direct any questions to Mr. Michael Sams, USCG RRT6 Co-Chair at 504-671-2234 or [Michael.K.Sams@uscg.mil](mailto:Michael.K.Sams@uscg.mil).

*Michael K. Sams*

Michael K. Sams  
Region 6 RRT Co-Chair, USCG District 8

October 10, 2014  
Date

*Ronald D. Crossland*

Ronnie Crossland  
Region 6 RRT Co-Chair, EPA Region 6

October 10, 2014  
Date

6200 USCG FOSC Memo Request for Preapproval to RRT

U.S. Department of Homeland Security  
United States Coast Guard



Commander  
United States Coast Guard  
Sector Houston-Galveston

1341 Hilliard Street  
Houston, TX 77034  
Phone: (281) 464-4861

16474  
SEP 15 2014

**MEMORANDUM**

From: *B.K. Penoyer*  
B. K. PENOYER, CAPT  
CG SECTOR Houston-Galveston

To: Regional Response Team 6 (RRT-6)

Subj: PREAPPROVED LOCATIONS FOR THE USE OF SURFACE WASHING AGENTS

Ref: (a) RRT-6 Emergency Response Preapproved Guidelines to Decontaminate Vessels and Hard Structures in Port Areas Using Surface Washing Agents dated 2003

1. Per reference (a), as Chair of the Central Texas Coastal Area Committee (CTAC), I request RRT-6 preapproval for use of surface washing agents (SWA) within the following five specified port locations:

- A. Upper Houston Ship Channel (including Barbour's Cut)
- B. Bayport Ship Channel
- C. Freeport
- D. Texas City Ship Channel
- E. Galveston Channel

2. The Central Texas Coastal Area Contingency Plan Section 3253 is provided for your review and comment (enclosure 1). I have requested and received concurrence from the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service for required consultations (enclosures 2, 3, and 4).

3. Thank you for your timely consideration of this request. Please direct any questions to my primary POC: LTJG Denys Rivas at (281) 464-4866 or [Denys.Rivas@uscg.mil](mailto:Denys.Rivas@uscg.mil).

#

Enclosures: (1) Central Texas Coastal Area Contingency Plan Section 3253  
(2) USFWS Concurrence  
(3) NMFS EFH Concurrence  
(4) NMFS ESA Section 7 Concurrence

Copy: NOAA Scientific Support Coordinator  
Department of the Interior representative to RRT-6  
Department of Commerce representative to RRT-6

6300 USFWS Endangered Species Act Consultation Response



In Reply Refer To:  
FWS/R2/CESFO

United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Coastal Ecological Services Field Office  
17629 El Camino Real, Suite 211  
Houston, Texas 77058  
281/286-8282 / (FAX) 281/488-5882



March 10, 2014

Brian Penoyer  
Captain, U.S. Coast Guard  
Commander, Sector Houston-Galveston  
9640 Clinton Drive  
Houston, TX 77029

Dear Captain Penoyer:

Thank you for the U.S. Coast Guard's (USCG) recent letter acknowledging the U.S. Fish and Wildlife Service's (Service) review and response to a request for Endangered Species Act (Act) informal consultation regarding resources at risk in proposed pre-approved areas for use of surface washing agents. The Service welcomes the opportunity to provide updated information that benefits Service trust resources, such as federally listed threatened or endangered species under the Act and critical habitat designations. Your sharing of provided information with the other state and federal trustee agencies for use in updating the Central Texas Coastal Area Contingency Plan (CTCACP) is also greatly appreciated.

Regarding your letter dated January 23, 2014, and our review of the attached Surface Washing Agent Plan (Section 3253), the Service concurs with the USCG's finding that the specified use of Environmental Protection Agency approved "lift and float" surface washing agents within port locations, identified as pre-approved areas, is not likely to adversely affect federally listed species or critical habitats that are the responsibility of the Service.

Please note that this concurrence does not cover any consideration for use of a surface washing agent outside of the pre-approved areas within port locations in the Central Texas Coastal Area. Use of such agents outside the pre-approved areas will require emergency consultation by the Regional Response Team VI. In addition to this concurrence, the Service is in agreement with inclusion of Section 3253 into the CTCACP.

In the event changes to Section 3253 occur or additional information on the distribution of listed or proposed species or designated critical habitat becomes available, the informal consultation process should be reinitiated for effects not previously considered. If you have any questions or need any additional information, please contact Ron Brinkley at 281/286-8282 ext.245.

Sincerely,

Edith Erling  
Field Supervisor

Attachment

## 6400 National Marine Fisheries Service (NMFS) Endangered Species Act Consultation Response



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, Florida 33701-5505  
<http://seom.nmfs.noaa.gov>

JUN 5 2014

F/SER31:KPB  
SER-2014-13339

Captain B. Penoyer  
United States Coast Guard  
Commander, Sector Houston-Galveston  
13411 Hillard Street  
Houston, Texas 77034

Ref.: Surface Washing Agent Pre-Approval Plan, Central Texas Coastal Area Contingency Plan; Chambers, Houston, Galveston, and Brazoria Counties, Texas

Dear Captain Penoyer:

This letter responds to your January 23, 2014, request to the National Marine Fisheries Service (NMFS) for concurrence with your project-effects determination under Section 7 of the Endangered Species Act (ESA). You determined the projects may affect, but are not likely to adversely affect, leatherback, loggerhead, hawksbill, green, and Kemp's ridley sea turtles. Prior to this request for concurrence, we received a June 4, 2013, request for a species list and comments on the development of the Surface Washing Agent (SWA) Plan for the Central Texas Coastal Area from Lieutenant Commander Kevin Boyd of the U.S. Coast Guard (USCG), Sector Houston-Galveston. We provided comments and a species list on August 2, 2013. Thank you for including our comments in the SWA Plan. Our findings on the plan's potential effects are based on the description in this response. Changes to the proposed action for any of these projects may negate our findings and may require the reinitiation of consultation.

The USCG is proposing areas for the in situ use of "lift and float" surface washing agents (SWAs) as an emergency oil spill response technique, to clean oiled vessel hulls and other hard manmade structures that are impacted by oil spills that occur within the designated port areas along Texas waterways. The SWAs have been tested and approved by EPA, as required for inclusion in the National Contingency Plan (NCP) Product Schedule. The NCP requires that the approval of any regional plan to use any chemical countermeasure must first be evaluated for the potential to affect the environment, including ESA-listed species, which is the focus of this consultation on the potential effects to sea turtles. This consultation is for pre-approval of use of SWAs, as described below, to streamline spill response actions by evaluating the potential effects prior to a spill occurring that warrants the use of SWAs.



The SWA Plan for the Central Texas Coastal Area includes specific procedures to be followed for SWA use to clean commercial vessels oiled in pre-identified, industrial, port areas within Houston, Galveston, Texas City, and Freeport, Texas (Figures 1-4, images from the Surface Washing Agent (SWA) Plan for the Central Texas Coastal Area submitted by the USCG). Typically, vessels oiled outside of non-oiled areas are not allowed to transit the unoiled areas; thus, only vessels oiled by spills that occur within the designated areas are proposed for cleaning with SWAs. The designated SWA areas were chosen to avoid the most sensitive resources in each port area using an environmental sensitivity index (ESI) that identified the most environmentally sensitive areas found in each of these industrial areas. The areas for use of SWAs were chosen with input from state and federal natural resource managers. The shorelines in the pre-approved areas are dominated by hard man-made structures (including riprap) with some smaller isolated marshes, fine- to medium-grained sand beaches, and scarps. Although the identified SWA areas are of a lower habitat quality, mobile species such as sea turtles can be potentially found there. A number of protocols and requirements are proposed to avoid and minimize any potential impacts to sea turtles in the event they are in the area during a spill in which SWAs will be used.

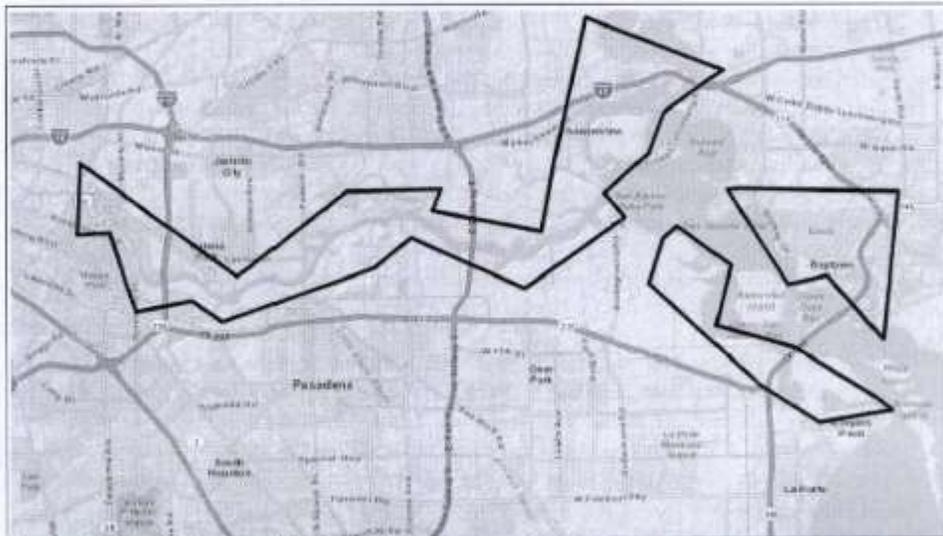


Figure 1. Upper Houston Ship Channel pre-approved areas

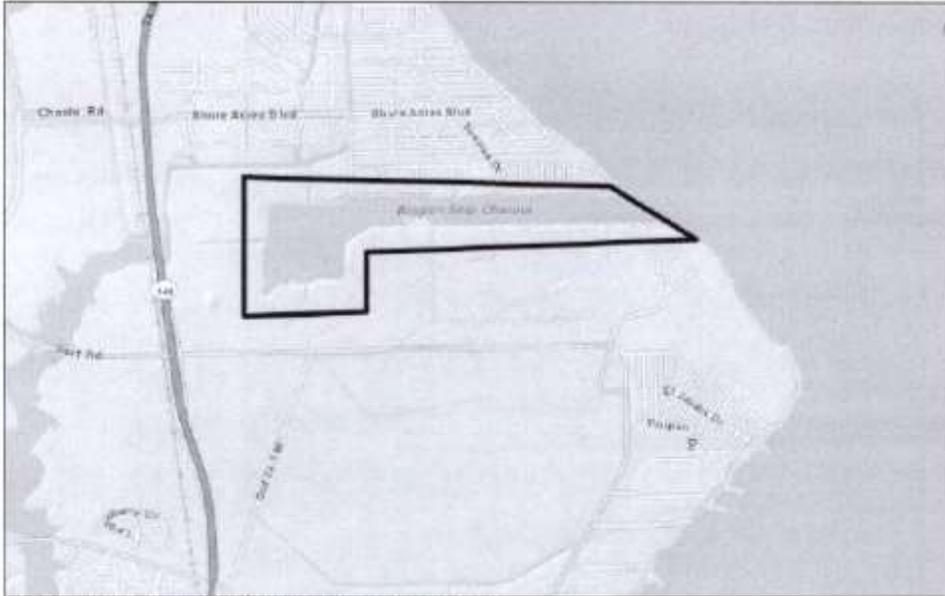


Figure 2. Bayport Ship Channel pre-approved area

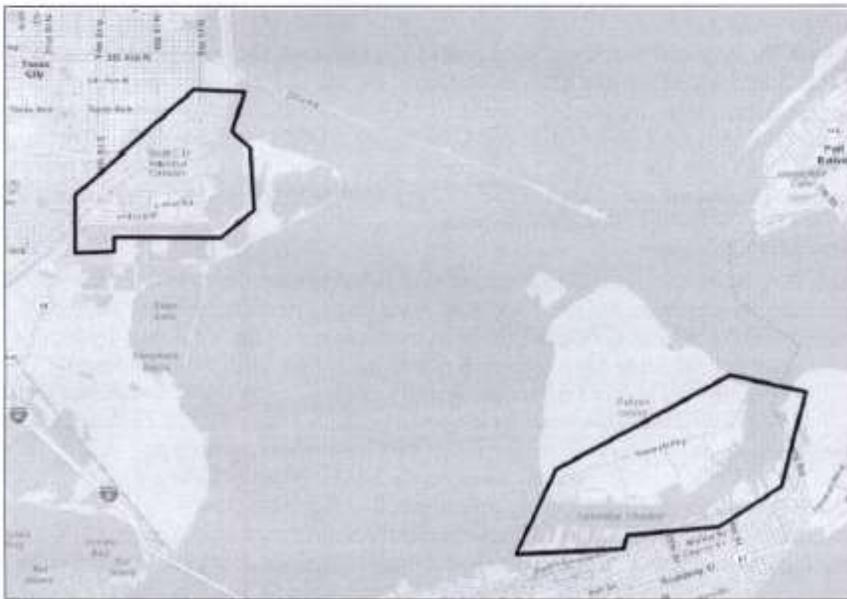


Figure 3. Texas City Ship Channel and Galveston Channel pre-approved areas



Figure 4. Freeport pre-approved area

*Guidelines for Use of SWAs*

In accordance with the Regional Response Team (RRT) VI guidelines, the steps below must be addressed prior to the consideration and implementation of the use of surface washing agents in the Central Texas Coastal Area. Incident-specific use of SWAs in these areas does not require approval from the RRT, but the Federal On Scene Coordinator (FOSC) for the incident must approve their use. The FOSC shall review the properties of the particular surface washing agent (i.e. MSDS) and ensure that the use of the surface washing agent selected, and the application technique, will not adversely impact the environment:

1. Conventional approaches have been tried, but they failed to meet the cleanup objectives. (The cleanup objectives are not restricted only to the degree of oil removal or "degree of cleanliness." Often during a response, the need to enhance the rate of cleaning by using a chemical agent is justified as long as there is minimal additional risk to environmental resources. Cleaning the hulls of large commercial vessels oiled by the spill such that they can be released to return to commerce would be an example where the rate of cleaning to a desired standard might benefit from the use of surface washing agents.)
2. Only approved surface washing agents listed on the NCP Product Schedule will be considered for oil cleanup and recovery operations.
3. Consultation with the Environmental Unit or natural resource protection managers to determine if any additional restrictions or additional safety precautions are required in the proposed operation. (At a minimum, the Texas General Land Office, Texas Parks and Wildlife, National Oceanic and Atmospheric Administration Scientific Support

Coordinator, and current ESI maps and wildlife information must be consulted prior to conducting cleanup operations involving surface washing agents.)

4. Cleanup areas requiring the use of surface washing agents shall be boomed off. (Booms shall be placed as appropriate to both prevent potential oil and/or surface washing agents from escaping the cleanup area, and to establish a physical perimeter to minimize potential fish, marine mammals, and other marine life from entering the cleanup site.)
5. A trained observer shall be posted to ensure the safety of all responders involved in the surface washing agent cleanup operations. Additionally, the trained observers will report any potential harmful impacts immediately to the FOSC or designated representative.
6. Surface washing agent operations shall not be used in or near seagrass areas.
7. In consideration of the safety of workers assigned to the application of surface washing agents, and in consideration of the protection of the environment, it is preferred that surface washing agents are applied during daylight hours.
8. Ensure that the oil spill removal organization/spill management team develops an approved, written work plan for use that includes worker safety precautions. (This plan should be in writing to the FOSC, should be incorporated into the Incident Action Plan, and in compliance with reference (a). The work plan can be formatted in accordance with company standards, or may be in the form of an ICS-204 work assignment form [an example has been provided in Section 3253.6].
9. An after-action report is also required. At a minimum, the monitoring checklist found in Section 3253.4 should be completed to aid in generating this report. The level of detail in the after-action report would be dictated by the response and any lessons learned that would aid future decision-making. The after-action report can be generated by the Responsible Party or by federal or state personnel. The report must be approved by the FOSC or their representative prior to being submitted to the RRT.
10. The FOSC or designated representative shall halt surface washing agent operations if sea turtles are sighted within the designated cleanup locations and obtain guidance from appropriate trustee. Additionally, on-scene FOSCs and trustees shall also be mindful of the potential exposure of SWAs to the prey of sea turtles.

*NMFS Analysis*

The following sea turtles species may occur in any of the surface washing areas. We believe the proposed SWA Plan will not adversely affect sea turtles for the reasons discussed below.

**Table 1. Endangered and threatened species in the central Texas coastal area**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Status</b>
leatherback sea turtle	<i>Dermochelys coriacea</i>	endangered
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	endangered
green sea turtle <sup>a</sup>	<i>Chelonia mydas</i>	endangered
hawksbill sea turtle	<i>Eretmochelys imbricata</i>	endangered
loggerhead sea turtle <sup>b</sup>	<i>Caretta caretta</i>	threatened

<sup>a</sup> Green turtles in U.S. waters are listed as threatened except for the Florida breeding population which is listed as endangered.

<sup>b</sup> Northwest Atlantic Ocean Distinct Population Segment

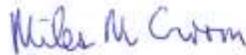
The use of SWAs would remove oil from vessels and the oil/SWA mixture would float on the surface for recovery. Adult crabs or shellfish live on the sea bottom and would not come into contact with the SWAs at the surface. There is a potential for some free-floating larval stages and adult prey to contact SWAs at the water/shoreline interface. These potential effects will be infrequent and localized during some spill response activities. The SWAs will have no measureable effect of the recruitment of larval stages into adult stages that turtles forage on. There will be no measurable reduction of the foraging success of sea turtles from the mortality of intertidal invertebrates exposed to SWAs. The use of SWAs is prohibited in seagrasses and other sensitive areas. However, despite the approved use of SWAs in only lower quality habitat areas, there is the potential for SWAs unintentionally contacting shorelines and resulting in some toxic effects to intertidal and benthic invertebrates. The potential effect that SWAs may have on the mortality of intertidal invertebrates is expected to be too small to have any detectable effect on the availability of sea turtle prey and would be insignificant.

The direct exposure of sea turtles to SWAs or the floating oil it creates will be avoided through the use of floating boom and observers. The use of SWAs will not increase the impacts in the oil footprint because it will be freed from oiled substrates and cause it to float and spread at the surface. However, the floating oil will be contained within a small area, and recovered with sorbent materials such as pads and boom. To prevent any adverse impacts to sea turtles, observers shall be employed during SWA operations and trained on SWA use and restrictions associated with resources at risk. Observers will lookout for sea turtles to ensure their protection and report any sightings in the area. In addition to the use of observers to prevent any impacts to wildlife, boom will be deployed to cover the entire water column so that large animals such as sea turtles will be excluded from the immediate work area. The boom will be removed after cleanup and will not appreciably block use of the area (for foraging or sheltering) by sea turtles. Therefore, we believe the above-described potential effects will be discountable or insignificant.

This concludes the USCG's consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the actions not previously considered, or the identified actions are subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or if critical habitat is designated that may be affected by the identified actions.

We have enclosed additional relevant information for your review. We look forward to further cooperation with you to ensure the conservation and recovery of our threatened and endangered marine species. If you have any questions regarding this consultation, please contact Kyle Baker, Consultation Biologist, by email at [Kyle.Baker@noaa.gov](mailto:Kyle.Baker@noaa.gov) or by telephone at (727) 824-5312.

Sincerely,



 Roy E. Crabtree, Ph.D.  
Regional Administrator

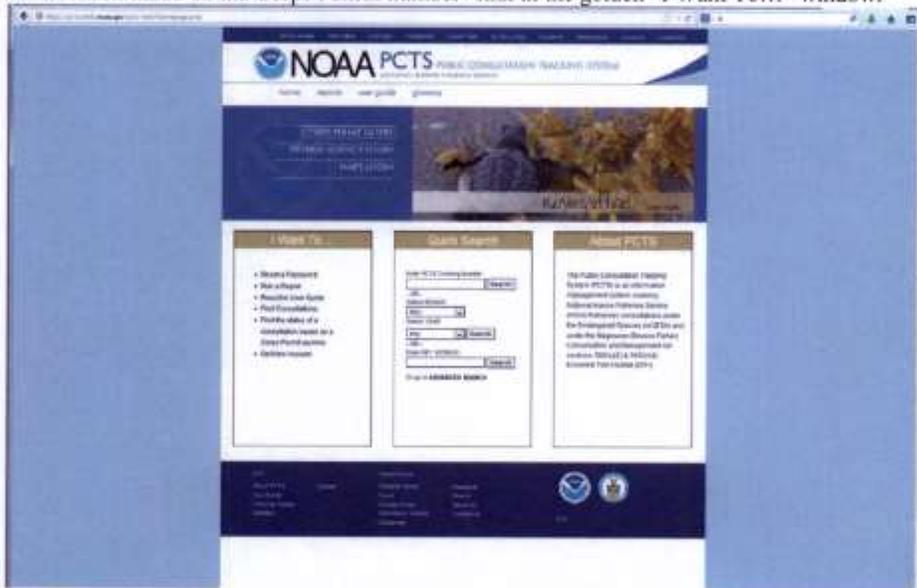
Enc.: 1. *PCTS Access and Additional Considerations for ESA Section 7 Consultations* (Revised June 11, 2013)

File: 1514-22.H

**PCTS Access and Additional Considerations for ESA Section 7 Consultations  
(Revised 6-11-2013)**

**Public Consultation Tracking System (PCTS) Guidance:** PCTS is a Web-based query system at <https://pcts.nmfs.noaa.gov/> that allows all federal agencies (e.g., U.S. Army Corps of Engineers - USACE), project managers, permit applicants, consultants, and the general public to find the current status of NMFS's Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations which are being conducted (or have been completed) pursuant to ESA Section 7 and the Magnuson-Stevens Fishery Conservation and Management Act's (MSA) Sections 305(b)2 and 305(b)(4). Basic information including access to documents is available to all.

The PCTS Home Page is shown below. For USACE-permitted projects, the easiest and quickest way to look up a project's status, or review completed ESA/EFH consultations, is to click on either the "Corps Permit Query" link (top left); or, below it, click the "Find the status of a consultation based on the Corps Permit number" link in the golden "I Want To..." window.



Then, from the "Corps District Office" list pick the appropriate USACE district. In the "Corps Permit #" box, type in the 9-digit USACE permit number identifier, with no hyphens or letters. Simply enter the year and the permit number, joined together, using preceding zeros if necessary after the year to obtain the necessary 9-digit (no more, no less) number. For example, the USACE Jacksonville District's issued permit number SAJ-2013-0235 (LP-CMW) must be typed in as 201300235 for PCTS to run a proper search and provide complete and accurate results. For querying permit applications submitted for ESA/EFH consultation by other USACE districts, the procedure is the same. For example, an inquiry on Mobile District's permit MVN201301412 is entered as 201301412 after selecting the Mobile District from the "Corps District Office" list. PCTS questions should be directed to Eric Hawk at [Eric.Hawk@noaa.gov](mailto:Eric.Hawk@noaa.gov) or (727) 551-5773.

EFH Recommendations: In addition to its protected species/critical habitat consultation requirements with NMFS' Protected Resources Division pursuant to Section 7 of the ESA, prior to proceeding with the proposed action the action agency must also consult with NMFS' Habitat Conservation Division (HCD) pursuant to the MSA requirements for EFH consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K). The action agency should also ensure that the applicant understands the ESA and EFH processes; that ESA and EFH consultations are separate, distinct, and guided by different statutes, goals, and time lines for responding to the action agency; and that the action agency will (and the applicant may) receive separate consultation correspondence on NMFS letterhead from HCD regarding their concerns and/or finalizing EFH consultation.

Marine Mammal Protection Act (MMPA) Recommendations: The ESA Section 7 process does not authorize incidental takes of listed or non-listed marine mammals. If such takes may occur an incidental take authorization under MMPA Section 101 (a)(5) is necessary. Please contact NMFS' Permits, Conservation, and Education Division at (301) 713-2322 for more information regarding MMPA permitting procedures.

6500 NMFS EFH Consultation Response



**UNITED STATES DEPARTMENT OF COMMERCE**  
National Oceanic and Atmospheric Administration  
**NATIONAL MARINE FISHERIES SERVICE**  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, Florida 33701-5605  
<http://seiro.nmfs.noaa.gov>

April 30, 2014

F/SER4:DD

Captain Brian Penoyer  
Commander U.S. Coast Guard Sector Houston-Galveston  
13411 Hillard Street  
Houston, Texas 77034

Dear Captain Penoyer:

The U.S. Coast Guard provided the National Marine Fisheries Service Southeast Regional Office the Surface Washing Agent Plan (Section 3253) of the Central Texas Coastal Area Contingency Plan for review. This section of the plan outlines procedures for use of surface washing agents in pre-approved locations in the Central Texas Coastal area and would allow the Federal On-Scene Commander, in consultation with the Texas General Land Office, Texas Parks and Wildlife Department, and the NOAA Scientific Support Coordinator, to authorize the use of Environmental Protection Agency approved "lift and float" surface washing agents if conventional methods are not sufficient in the cleanup of oil from contaminated vessel hulls and hard structure surfaces in certain locations identified in the plan. These locations are generally industrial port areas of the Upper Houston Ship Channel, Bayport Ship Channel, Texas City Ship Channel, Galveston Channel, and Freeport Ship Channel.

As specified in the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), essential fish habitat (EFH) consultation is required for federal actions which may adversely affect EFH. As the federal action agency in this matter, the U.S. Coast Guard has determined the proposed actions would not adversely affect the environment in the pre-approved areas. The Habitat Conservation Division has reviewed the proposed actions and determined any adverse impact to EFH resulting from the proposed response activities would be minimal. Due to the context and nature of the proposed activities, we have no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the MSFCMA.

We appreciate the opportunity to provide these comments. Please direct related correspondence to the attention of Mr. David Dale at the letterhead address. He may be reached at (727) 824-5317 or by e-mail at [david.dale@noaa.gov](mailto:david.dale@noaa.gov).

Sincerely,

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

cc:  
F/SER31, [Kyle.Baker@noaa.gov](mailto:Kyle.Baker@noaa.gov)  
F/SER46, [Rusty.Swafford@noaa.gov](mailto:Rusty.Swafford@noaa.gov)  
USCG, [Kevin.C.Boyd@uscg.mil](mailto:Kevin.C.Boyd@uscg.mil)  
USCG, [Michael.K.Sams@uscg.mil](mailto:Michael.K.Sams@uscg.mil)



6600 State of Texas (TGLO) Concurrence



**MEMORANDUM**

Texas General Land Office • Jerry Patterson • Commissioner

**Date:** September 30, 2014

**To:** Michael K. Sams, USCG RRT 6 Co-Chair

**From:** Greg Pollock, Deputy Commissioner, Oil Spill Prevention and Response

**Subject:** Surface Washing Agent Pre-authorization and RRT 6 Emergency Response Pre-authorization Guidelines to Decontaminate Vessels and Hard Structures in Certain Port Areas Using Surface Washing Agents

As a signatory to the initial 2003 RRT 6 Emergency Response Pre-approved Guidelines to Decontaminate Vessels and Hard Structures in Coastal Port Areas, I fully support the recently completed Surface Washing Agent Plan of the Central Texas Coastal Area Contingency Plan (CTCACP). The CTCACP provides for pre-authorization in five port locations: Upper Houston Ship Channel (including Barbour's Cut), Bayport Ship Channel, Freeport, Texas City Ship Channel and the Galveston Channel. As you know, after consultation with the Texas General Land Office, Texas Parks and Wildlife Department and the NOAA Scientific Support Coordinator, the plan allows the Federal On-Scene Coordinator to authorize the use of NCP listed "lift and float" surface washing agents if more traditional means are not sufficient.

Consider this memorandum as my concurrence with including the pre-authorization in the CTCACP.

A handwritten signature in blue ink that reads "Greg Pollock".

Greg Pollock  
Deputy Commissioner  
Oil Spill Prevention and Response Division  
Texas General Land Office  
September 30, 2014

cc: Richard Arnhart  
Steve Buschang