

August 2, 2013

Endangered Species Act Technical Assistance Comments on Surface Washing Agents and Surface Washing Locations in Central Texas

National Marine Fisheries Service, Southeast Regional Office, Protected Resources Division
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Re: 16451 - June 4, 2013, Request for a Species List Comments on the Development of the Central Texas Coastal Area Contingency Plan – Surface Washing Agents

Endangered and Threatened Species in the Inshore and Nearshore Waters of Texas.

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

^aGreen turtles in U.S. waters are listed as threatened except for the Florida breeding populations that is listed as endangered.

^bNorthwest Atlantic Ocean Distinct Population Segment.

There is no critical habitat under the jurisdiction of NMFS located within the areas identified for the use of surface washing agents. We have included leatherback sea turtles in the above list, but their presence in the surface washing areas would be expected to be rare due to their deepwater habitat associations. In general, sea turtle abundances generally decrease with an increase in distance from major bays and waterways; however, they may occur in any of the surface washing areas...

NMFS Comments on Potential Risks of Surface Washing

- Potential effects to sea turtles to be considered should include the potential for activities within the footprint of each surface washing area to effect sea turtles (e.g., vessel traffic, noise, etc.), the direct exposure to surface washing agents and oil, and the indirect ingestion of contaminated prey.
- Any seagrass areas should be avoided in designating any pre-approved surface washing station.
- The greatest risk of direct exposure may result from animals swimming into or unexpectedly surfacing within any surface washing area. To avoid this potential exposure, protocols should be developed to secure the area and prevent the potential exposure of animals at the surface, such as the use of lookouts or barriers to prevent exposure.
- In coordination with the USCG in 2010, we determined that Corexit 9580 as a cleaner was not desirable in establishing emergency vessel cleaning stations off Tampa Bay, Florida since it is not a strong lift and float candidate. Corexit 9580 would disperse the oil to a degree that containment and recovery of the oil within the vessel cleaning areas would not be effective. We recommended that either PES 51 or Cytosol be used as a strong lift and float product. Cytosol has the lowest toxicity and would be NMFS's best recommendation for a product which is also effective for oil containment and recovery.

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- Although the anticipated footprint of potential contamination may be small, any approved use of surface washing agents should be accompanied by any toxicity studies that have been completed by the Environmental Protection Agency (EPA) or independent researchers. Although agents may appear in the National Contingency Plan Product Schedule, the EPA has considered their potential effects to listed species. This analysis must be completed at the Regional Response Plan or Area Contingency Plan level. All products should be first considered for any potential toxicity to sea turtles and their prey species prior to approval. Approved use of products should carefully consider the pros and cons of the toxicity, effectiveness, disposal, habitat protection, and ability to remove the greatest of amount of oil/product from the water.
- Although bottlenose dolphins are not listed under the Endangered Species Act (ESA), they are protected under the Marine Mammal Protection Act and are recommended to be included in the plan. Dolphins are known to routinely swim through canals, cuts, and shallow estuarine areas, and may occur in any of the designated surface washing areas.

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