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# Wildlife Issues related to Oil Spills

How to Reduce Impacts to Wildlife from  
Oil Spills

# Spill Preparedness

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- Include wildlife issues in spill response plans
  - Identify sensitive species and habitats near/downstream of facilities
  - Identify wildlife agency contacts
  - Identify wildlife rehab groups contacts
- Response techniques
  - Train staff and contractors on how to respond in sensitive areas (e.g. wetlands)
  - Use avoidance measures
    - Booming, hazing, netting etc.

# Spill Response

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- Contact Wildlife agencies
  - Identify Endangered and Threatened Species (T&E) and Migratory Bird habitats near/downstream of release
  - Determine T&E species and Migratory Birds life history
  
- Wildlife concerns may alter response tactics
  - Avoid sensitive habitats (e.g. wetlands)
  - Opt to use minimally invasive techniques
  - Strive to reduce overall footprint of site
  
- Consider short/long term impacts from release AND response
  - Terrestrial habitat impacts (e.g. soil compaction)
  - Riparian impacts (e.g. stream bank stabilization)
  - Long term water quality impacts (e.g. siltation)

# Spill Closure

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- Clean up goals
  - Long term monitoring
  - Determine total impacted area (aquatic and terrestrial)
- Site remediation
  - Soil erosion controls
  - Riparian area replacement
- Possible resulting actions
  - Endangered Species Act (ESA) and/or Migratory Bird Treaty Act (MBTA) case
  - Natural Resource Damage Assessment and Restoration (NRDA) claim

# ESA and MBTA Case Overview

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Even though a release may be unintentional, the Responsible Party (RP) may have liability under the Endangered Species Act (ESA) or Migratory Bird Treaty Act (MBTA)

- “Take” under ESA:
  - Harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.
- “Take” under MBTA:
  - Killing of Migratory bird, destruction of eggs or nest
- Service Law Enforcement
  - LE focuses on those individuals, companies, or agencies that take federally listed species with disregard for their actions and the law, especially when conservation measures have been developed but are not properly implemented.

# Natural Resource Damage Assessment claim Overview

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When a release of oil or a hazardous substances causes injury to trust resources, the Trustees perform a NRDA to determine how much restoration will compensate the public for the loss of those resources.

- NRDA Authority: CERCLA, CWA and OPA
- Trustees: State, Tribal and Federal
- Cooperative Assessments: Open discussions, exchange of data, potential settlement
- Goal of NRDA: Compensation for injury to trust resources

# Working Cooperatively

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- RP and Wildlife agencies can avoid impacts to wildlife through pre-planning
- RP can minimize Take of T&E species or injury to trust resources during spill response
- RP can assist the Wildlife agencies and/or Trustees in determining projects that will benefit impacted wildlife.