Endangered Species

Section 7 Consultations

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Consultation Terms

Federally listed species
Federally listed critical habitat
Take (harm, harass, kill)  Adverse Modification
Jeopardy  Baseline
No Effects
Not Likely to Adversely Affect (NLAA)
  Insignificant = does not rise to the threshold of harm
  Discountable = not probable
  Wholly beneficial = benefits without any harm
May Affect
Consultation Notifications

**USDOI**
Regional Environmental Officer

**USFWS**
spill response professional
endangered species biologist

Headquarters
Regional Office
Field Office
Species Distribution - Very Rare
Species Distribution – Less Rare

Habitat Suitability

- Very high (0.75+)
- High (0.63–0.75)
- Medium (0.50–0.63)
- Low (0.25–0.50)
- Very low (0.00–0.25)
No Effects

Not within species range

Within species range but not within suitable habitat

No effects

No concurrence required - file in Administrative Record
Pallid Sturgeon Informal Consultation

Dredge SANDPIPER
MM 673 Missouri River
Deer Island State Park, Iowa
~1200 gallons of diesel fuel and mixed engine oils discharged

Containment boom, sorbent boom, and Sphag Sorb deployed to contain and recover spilled oil
Doors and hatches braced

Dewatering used to raise vessel
Informal Consultation:
• Two phone calls
• Three e-mails

Discussed response actions in detail
USCG determination: “Not likely to adversely affect”

USFWS reply: “Concurrence”
Topeka Shiner Formal Consultation

Krieger Greenhouses
Jefferson, Greene County, Iowa
Several thousand gallons of used motor oil discharged into the North Raccoon River during a storm and at lowest water stage in 40 years.
Containment booms along river. Absorbent booms around woody debris piles. Absorbents on oiled beaches. Oiled sand removal.
Formal consultation for stress and harm related to removal actions in side channel pools. Development of real time BMPs to minimize harm. Follow up with Biological Assessment to quantify the scale of the harm.
USEPA prepares the Biological Assessment. USFWS prepares the Biological Opinion.

Use results of Biological Opinion to aid in the conservation of the species and for future use in contingency planning.
Indiana Bat Formal Consultation

Marathon Mt. Erie, IL
Pipeline Rupture
Marathon Pipe Line LLC

Biological Assessment Report
Endangered Species - Indiana Bat

IEPA Incident: 20081223

MT. ERIE PIPE LINE RELEASE NEAR ALBION,
WAYNE COUNTY, ILLINOIS
Emergency Biological Opinion
Mt. Erie, IL Marathon Pipe Line Spill Emergency Response
April 30, 2010

This document transmits the U.S. Fish and Wildlife Service’s (Service) Biological Opinion based on the review of spill response actions taken for the pipeline spill located in Wayne County, Illinois (“Spill Site”) and the emergency consultation of the effects of the spill response actions on the federally listed endangered Indiana bat (Myotis sodalis) in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.).

Summary of Findings

The Service has determined that the emergency spill response actions conducted at the Spill Site did not jeopardize the continued existence of federally listed species. The action area is within the summer range for the federally listed endangered Indiana bat. There may have been incidental take in the form of harassment or harm of Indiana bats during the spill response actions.

Consultation History

There was coordination between the Service, U.S. Environmental Protection Agency (USEPA), State agencies, and Marathon Pipe Line LLC (“Marathon”) during the emergency response at the Spill Site. The Service subsequently initiated consultation on this matter with the USEPA and U.S. Army Corps of Engineers according to the Spills Memorandum of Agreement (USCG et al. 2001), Wetlands Memorandum of Agreement (USACOE and USFWS 1992), and the endangered species consultation regulations (50 CFR §402).

The Service received a Biological Assessment from Arcadis (a consulting firm supporting Marathon) in a report dated December 22, 2009. A complete administrative record for this consultation is on file in the Service’s Rock Island, Illinois Ecological Services Field Office.

Biological Opinion

1. Description of the Action

On August 10, 2008, an underground pipeline (20 inches in diameter) ruptured and about 5,000 barrels (42 gallons per barrel) of crude oil discharged into the environment. The crude oil...
Mussel Formal Consultation

Guttenberg, IA
Train Derailment