

EMERGENCY CONSULTATIONS

The Endangered Species Act (ESA) and its implementing regulations recognize the necessity to respond immediately to emergencies and provide for expedited consultation that allows Federal agencies to complete their critical missions in a timely manner while still providing the protections afforded to listed species under the Endangered Species Act. Where emergency actions are required that may affect listed species and/or critical habitats, a Federal agency may not have the time for the administrative work required by the consultation regulations under non-emergency conditions. Emergency consultation procedures allow action agencies to incorporate endangered species concerns into their actions during a response to an emergency.

An emergency is a situation involving an act of God, disasters, casualties, national defense or security emergencies, etc., and includes response activities that must be taken to prevent imminent loss of human life or property. Predictable events, like those covered in Emergency Use Permits issued by the Environmental Protection Agency for pesticide applications, usually do not qualify as emergencies under the section 7 regulations unless there is a significant unexpected human health risk. During any emergency, our primary objective is to provide recommendations for minimizing adverse effects to listed species during the emergency response. During emergency events, the primary objective of the responding agency must be to protect human life and property and this objective takes precedence over considerations for minimizing adverse effects to listed species under the ESA. The protection of listed species and designated critical habitat is initiated when it would not interfere with the emergency response to protect human life and property.

Endangered Species Act Emergency Response Process:

STEP 1 - Initiating Contact

During any emergency response, the Federal agency will contact NOAA by telephone (and if possible also by email) as quickly as possible following the onset of the emergency. For Emergency Endangered Species Act Consultations please call, and if possible also email Patrick Opay at (808) 944-2242, Patrick.Opay@NOAA.gov or Donald Hubner at (808) 944-2233, Donald.Hubner@NOAA.gov

After hours and weekends please contact Patrick at 301-648-6176.

STEP 2 - NOAA Recommendations

During this initial contact, NOAA will recommend actions that may be implemented to minimize the impacts to any listed species or critical habitat in the area. The emergency response agency will proceed with all necessary actions to stop the imminent threat to human life or property. At the same time, NOAA will provide the agency, within 48 hours, a letter to explain the protective procedures that were identified during the initial contact.

STEP 3 - NOAA Evaluation

NOAA will continue to evaluate the emergency. If this evaluation indicates that the emergency response procedures may result in jeopardy/adverse modification, and no means of reducing or avoiding this impact are available, NOAA will advise the responding agency of this and document this conclusion. The agency will not stop or delay their emergency response because of this notification. In such a situation, the

Federal agency and NOAA will discuss actions to remediate the effects following conclusion of the emergency.

STEP 4 - Emergency Over

Once the emergency is under control, the action agency will identify any incidental take of a species or an adverse effect to critical habitat that resulted from the emergency response action and initiate formal consultation.

STEP 5 - Consultation Completed

NOAA will prepare an after-the-fact biological opinion to cover any incidental take that occurred during the emergency response and document the final impacts to the listed species.

For Emergency Endangered Species Act Consultations please contact the NOAA Pacific Islands Regional Office. For immediate assistance please call, and if possible also email Patrick Opay at (808) 944-2242, Patrick.Opay@NOAA.gov or Donald Hubner at (808) 944-2233, Donald.Hubner@NOAA.gov.

After hours and weekends please contact Patrick at 301-648-6176.