

Southeast Florida
Area Contingency Plan
(SEFL ACP)

Fish and Wildlife and Sensitive Environments
Plan (FWSEP)

Annex C

July 2024

Record of Changes

Change Number	Change Description	Part Number	Change Date	Name
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10				

Table of Contents

1000 Purpose	1
2000 Scope	1
3000 Environmental Consultation Requirements	1
3100 Pre-spill Consultation	1
3200 Emergency Consultation	2
3300 Post-response Consultation	2

1000 Purpose

The National Contingency Plan (NCP) directs that Area Committees (ACs) incorporate an annex into their Area Contingency Plans (ACPs) which contains a Fish and Wildlife and Sensitive Environments Plan (FWSEP). The contents of this plan are designed to facilitate the coordinated and effective protection of fish and wildlife resources, their habitats, and other environmentally sensitive areas found within an AC's planning area.

2000 Scope

In order to meet the provisions and requirements outlined by the NCP, this Fish and Wildlife and Sensitive Environments Plan will:

- Enable the identification and prioritization of resources at risk within the SEFL planning area and outline the notification and consultation procedures with those resources' trustees and managers;
- Provide a mechanism during a spill which allows responders to establish protection priorities of resources at risk, evaluate and prioritize removal actions and/or countermeasure use, determine any environmental effects those removal actions and/or countermeasures may cause and identify ways to minimize them;
- Provide monitoring plans to evaluate response effectiveness in protecting the environment;
- Identify the guidance, capabilities, resources, and agency representatives needed to coordinate the protection, rescue, and rehabilitation of fish and wildlife;
- Identify the guidance, capabilities, resources, and agency representatives needed to protect historic sites and sensitive environments; and
- Evaluate its interface with Non-Federal Response Plans on issues affecting fish and wildlife, their habitat, and sensitive environments.

For more information, please refer to the following Region 4 RCP annexes:

- [Annex G](#): Sensitive Environmental and Economic Areas
- [Annex H](#): Natural Resource Trustees
- [Annex I](#): RCP/ACP Federal Permits Summary Table

Additionally, applicable to FL waters, the [Florida's Wildlife Contingency Plan for Oil Spill Response | FWC \(myfwc.com\)](#) is an excellent source of FWSEP information developed jointly by the USCG, FWC, USFWS, Florida DEP, and NOAA for the RRT-4 RCP.

3000 Environmental Consultation Requirements

There are three environmental consultation categories:

3100 Pre-spill Consultation

This is required for an Action Agency (USCG within the coastal zone) to engage the Services (USFWS and NMFS) on the potential affects for ***all*** potential response actions that may be implemented during the emergency response.

- [Biological Opinion for the Preauthorized Use of Dispersant & In-Situ Burn Operations](#)
- [Solidifiers USFWS from 2006, Annex J: Oil Spill Countermeasures \(p.396\)](#)
- [Solidifiers MNFS from 2006, Annex J: Oil Spill Countermeasures \(p.402\)](#)

3200 Emergency Consultation

Whenever an FOSC makes a determination that federal response actions ***may affect*** ESA-listed (threatened or endangered) species and/or designated Critical Habitat or ***may adversely affect*** EFH, the action agency (USCG within the coastal zone) shall initiate emergency consultation protocols as appropriate. The FOSC initiates this emergency consultation as soon as practicable, via email to the Services, after the response is initiated.

- State Historic Preservation Office (SHPO) Notification, Coordination and Consultation (Federal/State of Florida Guidance), Annex 7.
- Endangered Species Act (ESA) and Essential Fish Habitat (EFH) Form (for emergency consultations, pre-spill consultations and post-response procedures), [Site Profile - RRT IV Plans, Policies and Guidance - NRT](#) of the RRT-4 RCP.

3300 Post-response Consultation

For actions not covered by a pre-spill consultation that are used, or are considered for use during an emergency response, the FOSC must follow ESA and/or EFH emergency response procedures and complete ESA and/or EFH consultations in collaboration with the Services once the emergency phase of the response has ended.

In addition to the annexes listed under emergency consultation, the following annexes are also applicable to Endangered Species Act (ESA), Essential Fish Habitat (EFH), or National Historic Preservation Act (NHPA):

- The Wildlife Response Plan, [Site Profile - RRT IV Plans, Policies and Guidance - NRT](#) of the RRT-4 RCP.
- The all-inclusive FWSEP/WRP Contact Spreadsheet, see [Annex G](#) and [Annex H](#) of the RRT-4 RCP.
- All-inclusive Listed Species Spreadsheet, [Site Profile - RRT IV Plans, Policies and Guidance - NRT](#) of the RRT-4 RCP.