

# Quick Guide to Spill Response Permitting for Fish, Wildlife, and Habitat

Use this Quick Guide to help answer common questions about permitting for fish, wildlife, and habitat during spill response:

[Which agencies issue permits for fish and wildlife during a spill?](#)

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## Fish & Wildlife

Wildlife response permitting and authorization can be complex and differs from traditional spill response permitting in several ways, including species-specific and overlapping agency jurisdictions. To facilitate a streamlined and comprehensive approach to wildlife permitting, federal and state wildlife agencies developed the [Wildlife Protection Guidelines for Oil Spill Response in Alaska](#) (WPG). The WPG should be used as the starting point for all fish, wildlife, and habitat permitting and authorizations during an oil spill response. The most recent version of the WPG is available on the ADEC [Area Plan References and Tools](#) webpage, and key information from the WPG about permitting and authorizations is provided below.

See [page 5](#) for information about habitat and land use permitting during a spill.

### Which agencies issue permits for fish and wildlife during a spill?

The three wildlife agencies in Alaska (Alaska Dept. of Fish and Game (ADF&G), US Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS, also known as NOAA Fisheries)) have jurisdiction over different species and permitting authority for different activities. Contact information for the wildlife agencies can be found in the “Initial Emergency Contacts” section of the WPG.

The table on [page 2](#) provides a general summary of these jurisdictions and authorities; see the table on [page 4](#) for more permitting information by agency.

<b>Wildlife Agencies, Jurisdictions &amp; Permitting Authorities in Alaska</b>		
<b>ADF&amp;G</b>	<b>USFWS</b>	<b>NMFS</b>
<b>Migratory Birds</b> <i>hazing only</i>	<b>Migratory Birds</b> <i>all activities except hazing</i>	<b>Whales</b>
<b>Non-migratory Birds</b> <i>upland game birds</i>	<b>Eagles</b>	<b>Dolphins &amp; Porpoises</b>
<b>Terrestrial mammals</b> <i>big game and furbearers</i>	<b>Walrus &amp; Sea Otters</b>	<b>Seals &amp; Sea Lions</b>
<b>Fish, Shellfish, Invertebrates, &amp; Amphibians</b> <i>in fresh water and marine state waters</i>	<b>Polar bears</b>	<b>Federal Fisheries</b>
<b>State Endangered Species</b> <i>that are not listed federally</i>	<b>Federal Threatened and Endangered Species</b> <i>in the above groups</i>	<b>Marine Fish and Invertebrates</b>
		<b>Federal Threatened and Endangered Species</b> <i>in the above groups</i>

**How do I request wildlife response activities during a spill?**

Permits and authorizations are required for most wildlife response activities, including primary response strategies (e.g., carcass collection), secondary response strategies (e.g., active hazing/deterrence or pre-emptive capture), and tertiary response strategies (e.g., capture and rehabilitation of oiled wildlife). Passive bird hazing with visual deterrents such as mylar tape or scarecrows do not require a permit.

Multiple permits and authorizations from each wildlife agency may be required during a spill response. To facilitate the process for obtaining permits and authorizations, a Wildlife Response Plan (WRP) must be filled out by the Responsible Party/Potential Responsible Party (RP/PRP) and provided to all three wildlife agencies in the Environmental Unit for their review and input. The wildlife agency representatives will work with the RP/PRP to ensure it is complete before it is submitted to the State and Federal On-Scene Coordinators for approval and inclusion in the Incident Action Plan.

There are two types of WRPs: 1) the Startup WRP, which is an abbreviated, optional plan intended for the first 72 hours of a response, and 2) the Comprehensive WRP, a required plan that includes everything in the Startup WRP as well as a detailed plan for all species and proposed wildlife response strategies. See Section 3650 in the WPG for more information on WRPs. Fillable templates of the Startup and Comprehensive WRPs are available on the ADEC [Area Plan References and Tools](#) webpage in the “Wildlife, Fish, and their Habitats” section under “References and Tools by Subject.”

## What if there are threatened or endangered species in or near a spill?

When spill response activities have the potential to affect species listed under the Endangered Species Act (ESA), the US Coast Guard or US Environmental Protection Agency should request emergency ESA section 7 consultation with NMFS or USFWS. The purpose of the consultation is to reduce potential impacts of the spill response to threatened and endangered species. See Section 4810 of the WPG for more information about emergency ESA section 7 consultations.

## Where can I find more information about wildlife and fish permitting during a spill?

The table below shows specific sections related to fish and wildlife permits in the WPG. More information on fish and wildlife permits can be found in the table on [page 4](#) and throughout the WPG in Sections 3000 and 4000.

<b>Guide to Wildlife Permit Information in the Wildlife Protection Guidelines for Oil Spill Response in Alaska</b>		
Section Name	Section #	Section Information
<b>Operations</b>	3000	
Authorizations and Permits for Primary Response Strategies (Carcass Collection)	3640.2.1.2	<b>Table 3-4:</b> Wildlife authorizations and permits for primary response strategies
Authorizations and Permits for Secondary Response Strategies	3640.2.2.3	<b>Table 3-5:</b> Wildlife authorizations and permits for secondary response strategies
Authorizations and Permits for Tertiary Response Activities	3640.2.3.2	<b>Table 3-6:</b> Wildlife authorizations and permits for tertiary response strategies
Request for Wildlife Response Activities	3650	Wildlife Response Plans
<b>Planning</b>	4000	
Primary Response Strategies	4610.4.1	<b>Figure 4-1:</b> Carcass Collection Permits Flow Chart
Secondary Response Strategies	4610.4.2	<b>Figure 4-2:</b> Wildlife Hazing/Deterrence Permits Flow Chart
Tertiary Response Strategies	4610.4.3	<b>Figure 4-3:</b> Wildlife Capture, Transport, Stabilization, or Rehabilitation Permits Flow Chart
Emergency Endangered Species Act (ESA) Consultations	4810	<b>Figure 4-4:</b> Emergency ESA Section 7 Consultation Flow Chart
Permits	4820	<b>Table 4-1:</b> Wildlife Authorizations and Permits Required for Collecting, Hazing/Detering, or Holding Wildlife

## Wildlife Authorizations and Permits Required for Collecting, Hazing/Deterring, or Holding Wildlife

Activity	Migratory birds	Sea otters, walrus, and polar bears	Whales, porpoises, dolphins, seals, and sea lions	Terrestrial mammals, furbearers, and non-migratory birds	Fish, shellfish, and invertebrates	Bald or golden eagles	Threatened or endangered species <sup>1</sup>
Carcass Collection	USFWS Migratory Bird Salvage Permit & OLE Authorization <sup>2</sup>	USFWS Permit & OLE Authorization <sup>2</sup>	NMFS MMHSRP Permit <sup>3</sup>	ADF&G Wildlife Response Permit	ADF&G Wildlife Response Permit	USFWS Permit & OLE Authorization <sup>2</sup>	NMFS/USFWS ESA section 7 consultation <sup>4</sup> & USFWS OLE Authorization <sup>2</sup>
Haze/Deter	ADF&G Wildlife Response Permit	USFWS MMPA Authorization	NMFS MMHSRP Permit <sup>3</sup>	ADF&G Wildlife Response Permit	N/A	USFWS Eagle Depredation Permit	NMFS/USFWS ESA section 7 consultation <sup>4</sup>
Capture, Transport, Stabilize, or Rehabilitate	USFWS Migratory Bird Rehab Permit	USFWS MMPA section 112(c) LOA	NMFS MMHSRP Permit <sup>3</sup>	ADF&G Wildlife Response Permit	N/A	USFWS Eagle Depredation Permit	NMFS/USFWS ESA section 7 consultation <sup>4</sup>

Acronyms: ADF&G = Alaska Department of Fish and Game; EPA = U.S. Environmental Protection Agency; ESA = Endangered Species; LOA = Letter of Authorization; MMPA = Marine Mammal Protection Act; MMHSRP = Marine Mammal Health and Stranding Response Program (NMFS); NMFS = National Marine Fisheries Service; OLE = Office of Law Enforcement (USFWS); USCG = U.S. Coast Guard; USFWS = U.S. Fish and Wildlife Service

*Note:* See Initial Emergency Contacts in WPG for a list of agency personnel to contact for appropriate authorizations and permits.

<sup>1</sup> An ADF&G permit is required to deter, collect, or hold any species on the state endangered species list that is not on the federal endangered species list.

<sup>2</sup> For species managed by USFWS (i.e., migratory birds, sea otters, walrus, and polar bears).

<sup>3</sup> Request verbal case-by-case authorization from the NMFS Regional Stranding Program Coordinator or associated co-investigator.

<sup>4</sup> ESA section 7 consultation between federal action agencies (i.e., USCG or EPA) and consulting agencies (USFWS and NMFS).

Source: Table 4-1, [Wildlife Protection Guidelines for Oil Spill Response in Alaska](#) (v. 2020.2)

## Habitats

Habitats important to fish and wildlife may be impacted during spill response activities. Depending on the habitat type or species that use the habitat, it may be necessary to obtain permits from or coordinate with the wildlife agencies (ADF&G, USFWS, and NMFS) for response activities in or near some habitats, regardless of land management or ownership.

### What types of habitat permits may I need during a spill?

The following table shows the habitat type, the permits or other type of coordination, and the contact agency. Hyperlinks are provided for some permit types; please contact the appropriate agency for questions about habitat permits or additional information about other types of coordination. Contact information for the wildlife agencies can be found in the “Initial Emergency Contacts” section of the WPG.

Fish and Wildlife Habitat Permit and Coordination Information for Alaska		
Habitat	Permit or Coordination Type	Agency
Freshwater fish-bearing water bodies	<a href="#">Fish Habitat Permit</a>	ADF&G
State of Alaska Game Refuges, Wildlife Sanctuaries & Critical Habitat Areas	<a href="#">Special Area Permit</a>	ADF&G
Aquatic plants in marine state waters	<a href="#">Aquatic Resource Permit</a>	ADF&G
Designated critical habitat for ESA-listed species	ESA section 7 consultation*	NMFS, USFWS
National wildlife refuges	<a href="#">Special Use Permit</a>	USFWS
Essential Fish Habitat (EFH) or Habitat Areas of Particular Concern	<a href="#">EFH consultation</a>	NMFS
Marine mammal haulouts or rookeries	Marine Mammal Protection Act coordination	NMFS (seals & sea lions) USFWS (walruses & sea otters)

\* This process occurs between federal agencies.

### What other types of land use permits may I need during a spill?

In addition to habitat permits, **land use permits** may also be required to conduct spill response activities in some areas. Additional information can be found on the [Alaska Spill Response Permits Tool](#) webpage in the “Permits by Activity” section under “Land Use.”