

Roles and duties of the responsible party for spills affecting wildlife

This document provides guidance on the roles and responsibilities for the protection, collection and rehabilitation of wildlife impacted by a spill of hazardous substance and/or oil.

The Clean Water Act, as amended by the Oil Pollution Act of 1990, requires responsible parties (RPs) that handle oil or hazardous substances to prepare for, and respond to, potential spill incidents.

[Minn. Stat. Chapter 115E](#)

(<https://www.revisor.mn.gov/statutes/cite/115E>) requires a Prevention and Response Plans to be consistent with national and area contingency plans. These laws require RPs to recover and clean up spilled oil; special circumstances and laws apply for incidents involving oiled wildlife.



The Minn. Department of Natural Resources (DNR), U.S. Fish and Wildlife Service (USFWS) and U.S. Department of Agriculture – Wildlife Services (USDA) have the lead role in wildlife protection and rehabilitation efforts as part of spill response operations of affected wildlife. RPs have the responsibility to contract and pay for the wildlife recovery and rehabilitation services. Prearrangement of these services is advisable. During an incident, wildlife protection and rehabilitation activities must be coordinated with and approved by these agencies.

The [Minneapolis/Saint Paul Sub-Area Contingency Plan](#) (<http://www.umrba.org/hazspills/twincitiesplan.pdf>) outlines an incident command system (ICS) structure for dealing with impacted wildlife. The plan recommends the establishment of a Wildlife Branch under the Operations Section, and adding additional duties to the Environmental Unit of the Planning Section.

The Wildlife Branch in the Operations Section includes duties, such as

- hazing;
- capturing, transporting and caring for affected wildlife;
- cleaning and rehabilitating impacted wildlife;
- releasing rehabilitated wildlife; and
- recovering dead wildlife.

Specialized permits, equipment, training and authorizations are required for these operations. Therefore hazing, capture, transport and release of impacted wildlife must be coordinated with government agencies.

Under the ICS, the Planning Section's Environmental Unit will develop a Wildlife Reconnaissance and Threat Plan that identifies current and anticipated wildlife impacts. The plan is based on factors such as characteristics of the release, weather and wildlife identification, behavior, distribution and location.

The Operation Section's Wildlife Branch will implement this plan to recovery, transport and rehabilitate impacted wildlife. The stabilization, treatment and rehabilitation of wildlife affected by a spill require specific and significant logistical support, including facilities with large volumes of warm water, electricity, significant indoor space, cages and wash-water collection.

Wildlife rehabilitation services

Wildlife rehabilitation resources available in the Minneapolis/St. Paul Sub-area include the [Wildlife Rehabilitation Center](http://www.wrcmn.org/) in Roseville (http://www.wrcmn.org/ or phone 651-486-9453).

As necessary, other professional wildlife rehabilitators, such as [Tri-State Bird Rescue and Research](http://www.tristatebird.org/) (http://www.tristatebird.org/) in Newark, Delaware; [Focus Wildlife](https://www.focuswildlife.org/) (https://www.focuswildlife.org/) in Anacortes, Washington; or [International Bird Rescue and Research Center](https://www.bird-rescue.org/) (https://www.bird-rescue.org/) in Long Beach, California, may be contracted. If companies have not made arrangements with rehabilitators, during a response the incident commander or unified command will contract for these services at the spiller's expense.

The Wildlife Branch director will determine the best source of rehabilitation services to be used for the incident. The RP is responsible for paying the contracted professional wildlife rehabilitators for their services.

In addition, exercises and drills should include wildlife issues. Resource managers from state and federal agencies involved with wildlife management should be included in training and exercising the wildlife portions of a company's plan.

For more information

For more information on wildlife protection and rehabilitation during spill response, refer to Section (IV.F.3.) of the [Minneapolis/Saint Paul Sub-Area Contingency Plan](http://www.umrba.org/hazspills/twincitiesplan.pdf) (http://www.umrba.org/hazspills/twincitiesplan.pdf) or contact one or more of the persons listed below.

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