

**STATEMENT OF THE U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, ON THE ENBRIDGE PIPELINE OIL SPILL NEAR MARSHALL, MICHIGAN, BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**September 15, 2010**

The U.S. Fish and Wildlife Service (Service) is the premier government agency dedicated to the conservation, protection, and enhancement of fish, wildlife and plants, and their habitats. It is the only agency in the federal government whose primary responsibility is management of these important natural resources for the American public. The Service also helps ensure a healthy environment for people through its work benefiting wildlife and by providing opportunities for Americans to enjoy the outdoors and our shared natural heritage. The Service is responsible for implementing and enforcing some of our nation's most important environmental laws, such as the Endangered Species Act, Migratory Bird Treaty Act, the National Wildlife Refuge System Administration Act, and the Marine Mammal Protection Act.

The Service's East Lansing Field Office received its first notification of the Enbridge Pipeline oil spill near Marshall, Michigan at approximately 4:00 pm EST on Monday, July 26, 2010, from the Department of the Interior's Regional Environmental Officer and responded immediately. The Service's lead environmental contaminants specialist in the state arrived at the Incident Command Post in Marshall at 6:15 pm and began providing technical assistance to the U.S. Environmental Protection Agency (EPA) and Enbridge. Because of the Service's previous work on the Kalamazoo River, the specialist was able to provide the EPA and Enbridge authorities with firsthand information on resources at risk, river conditions, access points, and local points of contact. The Service also worked with Enbridge that evening to establish a hotline for communication between the public and the Incident Command relating to sightings and rescue of oiled wildlife. In addition, the Service began working with Enbridge to determine what the company would need to do to construct a rehabilitation center for oiled birds and other wildlife. The Service also began mobilizing biologists to the site.

In the first few days of the spill, Service biologists and law enforcement agents led the reconnaissance and recovery efforts for oiled wildlife with great cooperation and assistance from the biologists and conservation officers of the Michigan Department of Natural Resources and Environment (MDNRE), and subsequently with U.S. Department of Agriculture personnel. Simultaneously, the Service organized and led the Wildlife Branch within the Operations Section of the Incident Command, oversaw construction of the Wildlife Response Center, continued technical assistance to EPA and Enbridge, participated in press briefings at the request of the Unified Command, implemented wildlife deterrence measures, and began ephemeral data collection for a Natural Resource Damage Assessment (NRDA), in coordination with the

National Oceanic and Atmospheric Administration (NOAA). The Service also established a Pollution Removal Funding Authorization with EPA for their response activities and obtained initial funding for NRDA from the Oil Spill Liability Trust Fund through the National Pollution Fund Center.

A major emphasis for the Wildlife Branch has been keeping the public and staff safe from exposure to the oil and the hazardous fumes being released from the oil while providing the best care possible for oiled wildlife. Public information and outreach about our trained responders and Wildlife Response Center was critical in preventing the public from putting themselves in harm's way as they tried to rescue wildlife.

By the end of the first week of the spill, the Service was operating with over a dozen staff on site with personnel from many Service programs in the Midwest region. Several law enforcement agents also assisted the National Transportation Safety Board and assisted in evidence documentation for the wildlife response.

The Service has led the Wildlife Branch throughout the spill response. The Wildlife Branch has included staff from the Service, MDNRE, USDA-Animal and Plant Health Inspection Service, NOAA, Enbridge and their contractors (including Focus Wildlife and others), Binder Park Zoo and other zoos, local rehabilitators and volunteers. For safety, access and other logistical reasons specific to this spill, the Wildlife Branch also has conducted the field operations components of ephemeral data collection for NRDA. The Wildlife Branch has included over 100 people throughout most of the response and has operated seven days per week since the start of the spill. All staff are trained in working with hazardous materials and wildlife.

The Wildlife Branch is monitoring fish, mussels and other benthic invertebrates, wildlife, plants and habitats impacted by the spill. As part of the response, the Wildlife Branch is capturing oiled birds, mammals, reptiles and amphibians, treating them in the Wildlife Response Center, and releasing them back into the wild when possible. The Wildlife Branch is also collecting dead oiled animals and recording observations of oiled animals that could not be captured. The numbers of oiled fish and wildlife collected and directly observed will be combined with other site-specific data to estimate the total number of fish and wildlife directly impacted by the spill. As of the morning of September 13, 2010, rescue efforts were continuing with oiled birds, mammals, turtles, snakes, and frogs still being brought in for rehabilitation on a daily basis. Until the response to the spill is complete and animals are no longer being brought in or collected, the following information regarding fish and wildlife must be considered preliminary, and viewed as only one piece of the information that must be factored in to determine the full impact of the spill on natural resources.

As September 13 over 1,400 animals had been brought in with over 1,300 of them either in care or already released. Species brought in include Canada geese, mallards, wood ducks, swans, a belted kingfisher, red-winged blackbird, great blue herons, muskrats, beavers, voles, shrews, raccoons, opossums, mink, a spotted turtle (a threatened species in Michigan), eastern box turtles, Blanding's turtles, common map turtles, common musk turtles, common snapping turtles, painted turtles, eastern spiny softshell turtles, northern watersnakes, eastern garter snakes, bullfrogs, green frogs, and American toads. Turtles were the group of vertebrates most impacted by the spill with over 1,100 captured as of September 13, and 10 to 80 affected turtles continue to be captured daily. Only 16 dead oiled fish have been found. In addition to ongoing turtle trapping and netting, the Wildlife Branch crews are still working to capture dozens of oiled Canada geese and a smaller number of oiled mallards, great blue herons, sandhill cranes and beavers still known to be in the area. Migratory birds impacted include, as of September 13, approximately 150 brought into the Wildlife Response Center and approximately 50 in the area that have been observed to be oiled by our crews but still capable of flight and not yet captured. Of all of those, 22 migratory birds have been brought in, or observed to be, dead as a result of the spill. The relatively low number of dead birds can be attributed to the rapid response, deterrence measures taken to keep birds away from the oil, and professional rehabilitation of those captured.

In the first few days of the spill, Focus Wildlife, under contract to Enbridge, directed the construction of a state-of-the-art animal rehabilitation center in a vacant building in Marshall, Michigan. The Wildlife Branch is headquartered in the same building so all reconnaissance and recovery efforts are coordinated with animal care and release. Veterinarians experienced in responding to oil spills perform and supervise the animal care. Animals are protected from other stresses and monitored prior to release. All birds are banded before release with standard Service bands. Ducks and geese also receive a second band that says "Oil Spill Bird." That band has a phone number that hunters can call for additional information.

In addition to the effects of the oil, most wildlife have diverted from the impacted sections of Talmadge Creek and the Kalamazoo River due to the increase in noise and activity from the intense response efforts with over 1,500 workers on the banks and a flotilla of airboats and motorboats. Nearly all of the vegetation has been removed in the approximately five acres of impacted wetlands in the source area and along the floodplain of Talmadge Creek.

Some of the oil that was released has sunk and is now mixed with sediments in the Kalamazoo River. We do not yet know what the long-term impacts of this might be on benthic invertebrates, aquatic plants, bottom-feeding fish, and turtles that burrow into the sediments to hibernate. Service environmental contaminants specialists are an integral part of the Environmental Advisory Group that is advising Unified Command on this and other technical issues. The Unified Command, with the advice of this group, has worked hard to balance the need to remove the oil with the desire to do as little long-term damage to the environment as possible.

The Trustees for the Natural Resource Damage Assessment (Trustees) include the Department of the Interior, represented by the Service and the Bureau of Indian Affairs; the State of Michigan, represented by the MDNRE and the Michigan Attorney General; the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration; the Nottawaseppi Huron Band of the Potawatomi; and the Match-E-Be-Nash-She-Wish Band of Potawatomi.

The Trustees' scientists are conducting a variety of collection efforts to understand the full impact from this spill and develop restoration plans for the area. Most of this work is being done in cooperation with scientists from a consulting firm employed by Enbridge. They have collected water and sediment samples in addition to those that EPA and Enbridge have collected for the response and will use all analytical results that become available to them to compare the regulatory criteria and thresholds for effects to aquatic life. Fish samples were also collected for several purposes using both a standard fish health protocol that includes the evaluation of infectious disease and histopathology endpoints and an oil-spill-specific protocol for tissue residue levels. Freshwater mussels and co-located sediment samples were also collected for chemical analysis. In addition, MDNRE has an annual status and trends monitoring program for fish and benthic macroinvertebrates that includes monitoring points on the Kalamazoo River and Talmadge Creek. Monitoring under this program is being conducted in the impacted areas and reference areas during September. Researchers from Michigan State University have been studying nutrients and algae in the Kalamazoo River, so their data from before, during, and after the spill may be useful in understanding the environmental impacts of the spill.

The Trustees have also collected data to evaluate the impact of the spill and the response activities on habitats. NRDA teams surveyed habitat types and the degree of oiling along the riverbanks and floodplain of the Kalamazoo River. In addition, vegetative communities in the floodplain were inventoried to determine if the oiling or the disturbance caused by the response activities has caused a change in the species of plants present. The Trustees are especially concerned that the spill could result in an increase in invasive species in the floodplain. Finally, the Trustees are monitoring habitat impacts from construction of access roads and staging areas as well as changes to the stream and river channel and floodplain that might result from soil scraping, excavation, and increased erosion resulting from boat traffic and removal of vegetation.

In the future, the Trustees are likely to use the same protocols being used for ephemeral data collection to monitor the status of the resource and the efforts undertaken by Enbridge to restore the resource to its pre-spill condition. The Trustees may design other studies to look for impacts from long-term exposure to any residual contamination from the spill.

The Service will continue to help manage the Wildlife Branch as needed. Going forward, we will continue to participate in the Environmental Advisory Group, conduct the NRDA and restoration planning, and oversee the wildlife collection, rehabilitation and release efforts by Enbridge.

Thank you for the opportunity to provide a statement on the Enbridge Marshall, Michigan Pipeline oil spill. We would be happy to provide any follow-up information requested by Members of the Committee.