

# DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release March 7, 1979

ENDANGERED SPECIES EXEMPTION PROCESS IS STAYED AS U.S. AGENCIES AGREE  
TO CONSULT AGAIN ON MAINE REFINERY PROJECT AFFECTING BALD EAGLES

Secretary of the Interior Cecil D. Andrus and the Pittston Company -- which wants to build a \$700 million oil refinery and marine terminal at Eastport, Maine -- have agreed to let U. S. agencies consult again on whether the project's expected impact on the bald eagle can be minimized without recourse to the Cabinet-level Endangered Species Committee.

The immediate effect of the agreement is to delay the Endangered Species Committee review board's consideration of the Pittston application for up to 90 days. In the longer run, however, this delay could result in agreement on the eagle issue, sparing all parties many months of further proceedings.

During recent weeks, Pittston submitted information to the review board about measures the Company might take to avoid jeopardy to the bald eagle. The decision to re-initiate consultation was reached jointly by representatives of the U. S. Fish and Wildlife Service and the Environmental Protection Agency, with Secretary Andrus' encouragement. The Secretary, under law, serves as chairman of the Cabinet-level Endangered Species Committee.

"I firmly believe the Endangered Species Committee should serve only as a court of last resort," said Andrus. "First there should be ample opportunity to develop data, in the hope that accommodation can be reached without doing violence either to an endangered species or to a project. That is the view President Carter expressed when he signed the Endangered Species Act Amendments of 1978, and I wholeheartedly agree."

As a part of the consultation process, the Fish and Wildlife Service has scheduled public hearings for March 28, 29 and 30 in Maine and Boston, to seek any additional biological information on the projects expected impact of the bald eagle population of eastern Maine. Consultation will also involve the U. S. Army Corps of Engineers, which must approve a permit under the Rivers and Harbors Act to make the Pittston project possible.

(More)

Pittston had asked for review by the Endangered Species Committee January 26, 1979, after the company was denied a wastewater discharge permit for the refinery by the Environmental Protection Agency. EPA's denial was based largely on a biological opinion issued in December 1978 by Interior's U. S. Fish and Wildlife Service which concluded that the project as designed was likely to jeopardize the survival of the bald eagle in a region where it has only recently begun to re-establish itself.

All three of the Fish and Wildlife Service hearings on the project's expected impact on bald eagles will begin at 7 p.m. and will be held on March 28 at the Eastport Municipal Auditorium in the Shead Memorial High School, High Street, Eastport, Maine; on March 29 at the Augusta Civic Center, Cushnoc Auditorium, Community Drive, Augusta, Maine; and on March 30 in Room 208, U. S. Post Office Building, Corner of Devonshire and Milk Streets, Boston, Massachusetts.

Written comments and requests for additional information should be sent to Howard N. Larsen, U. S. Fish and Wildlife Service, 1 Gateway Center, Newton Corner, Massachusetts 02158.

If further consultation between the Federal agencies fails to modify the earlier finding of jeopardy, an Endangered Species Committee review board will proceed to consider Pittston's application and prepare a report for the Endangered Species Committee as required by the 1978 amendments to the Endangered Species Act.

The review board for the Pittston application consists of Dr. Laurence E. Lynn, Professor of Public Policy, Harvard University; John E. Menario, President of the Greater Portland Chamber of Commerce, Portland, Maine; and Administrative Law Judge Francis L. Young.

The proposed refinery would produce 250,000 barrels per day of refined product, principally low sulphur home heating and industrial fuel oils designed for the Northeast U. S. market. The facility is designed to receive imported crude oil from very large crude carriers. The Eastport site, according to the company, provides an important and unique asset, a sheltered deepwater harbour with an excellent approach channel. When completed, the project would result in approximately 1,200 new permanent jobs in a region afflicted with serious unemployment.

The biological opinion issued last December concluded that the project would adversely impact on the bald eagles in three ways: air pollution from emissions of mercury, lead, or sulfate; oil spill contamination of eagle eggs, nests, and fish-food supplies; and encroachment on the eagles' habitat by expanded construction and development.