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Local Programs Workshop



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Completing Reviews for Protected Species

**Locally Administered Projects,
Protected Species and the Fish
and Wildlife Service**

Background

- In 2010, the FWS implemented use of the Online Review Process, using the IPaC (Information, Planning and Conservation) system
- Only state databases used prior to that
- IPaC required by Corps/FHWA, if:
 - » receive federal funds
 - » require federal permits

Background

- For federally funded projects, the lead federal agency is FHWA
 - » Corps representative sometimes requests separate review
 - Not familiar with locally administered projects
 - Not familiar with VDOT process
 - » FHWA has accepted Corps Effect Determinations

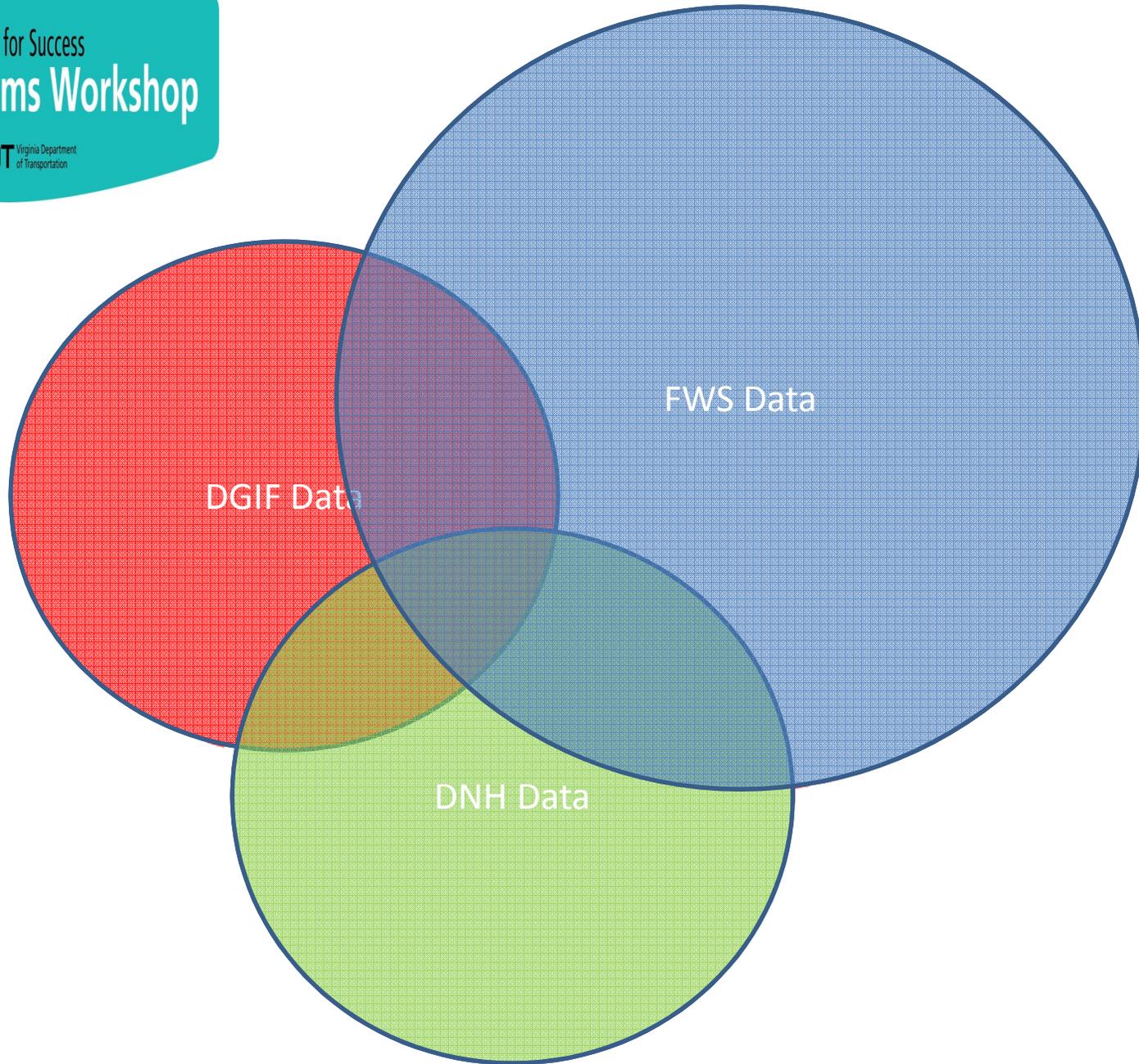
Protected Species

- Threatened, Endangered or Candidate Species, under the Endangered Species Act
- Bald and Golden Eagles, protected by BGEPA
 - » Includes nest locations and eagle concentration areas (summer and winter roosting areas)
- Other species, such as migratory birds and colonial nesting waterbirds, protected under the Migratory Bird Treaty Act.

Process

- VDOT conducts a preliminary review during the NEPA document phase
 - » Searches GIS data layers for mapped species/resources
 - Natural Heritage data
 - DGIF data
 - » Uses online data specified by FWS Online Review Process

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FWS Online Review Process

U.S. Fish & Wildlife Service
Virginia Field Office
Northeast Region

Search

Home Southwestern Virginia Field Office Endangered Species & Project Review Partners for Fish & Wildlife Contaminants

Project Reviews

This online project review process is intended for use by landowners, applicants, consultants, agency personnel, and any other individual or entity requiring U.S. Fish and Wildlife Service (Service) review or approval of their project within the Commonwealth of Virginia. You should complete this online process before contacting our office.

Through this process, you will follow step-by-step guidance and access information that will allow you to identify threatened and endangered species, designated critical habitat, and other Federal trust resources that may be affected by your project. You will be able to assess whether your project is likely to affect these resources. This process is intended to provide quick and accurate determinations and information to help ensure that trust resources are considered and conserved while planning and conducting activities.

If upon completion of this process you determine that your project is unlikely to affect these resources, you can certify your determination, and no further coordination will be required. If your project may affect these resources, the review package developed through the process will expedite further review when it is submitted to our office.

Because the website and information is frequently updated to provide new trust resource information and methods to review projects, refer to the website for each project review to ensure that current information is utilized.

Click here to begin the "[Project Review Process.](#)"

Project Review Steps

- Step 1 - Action Area
- Step 2 - Official Species List
- Step 3 - State Coordination
- Step 4 - Suitable Habitat
- Step 5 - Critical Habitat
- Step 6a - Eagle Nests
- Step 6b - Eagle Concentration Areas
- Step 7 - Determinations
- Step 8 - Project Review Package

Connect with Us

Office locations and driving directions

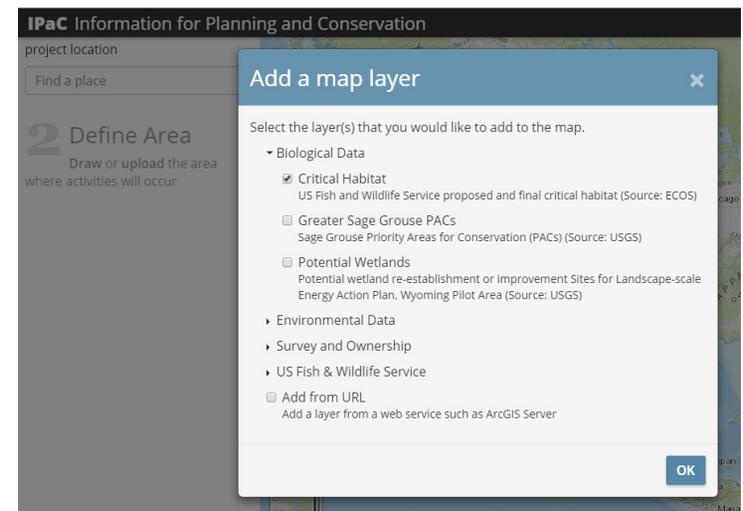
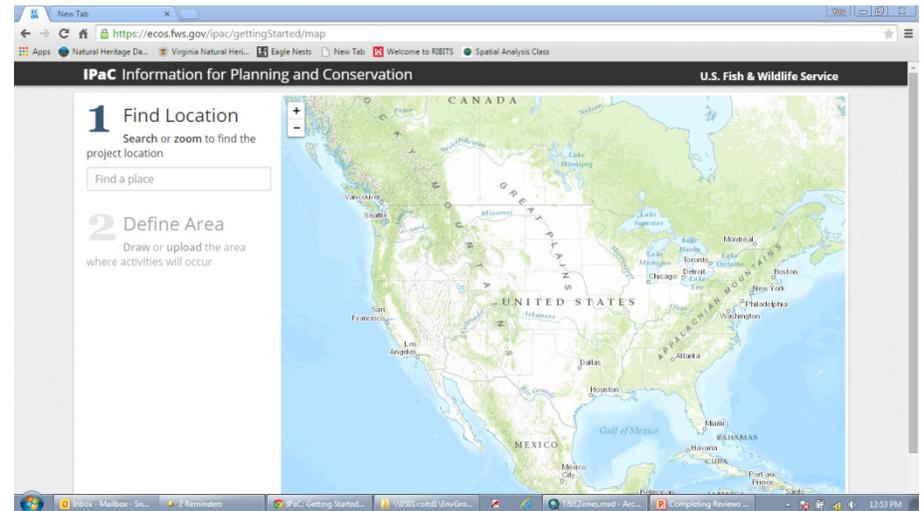
Video Twitter Facebook Flickr

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- IPaC
 - » Updated web interface and capabilities
- Critical Habitat mapper
 - » Additional layer in IPaC, no separate review needed
 - » Only Critical Habitat in SW VA

Online Data



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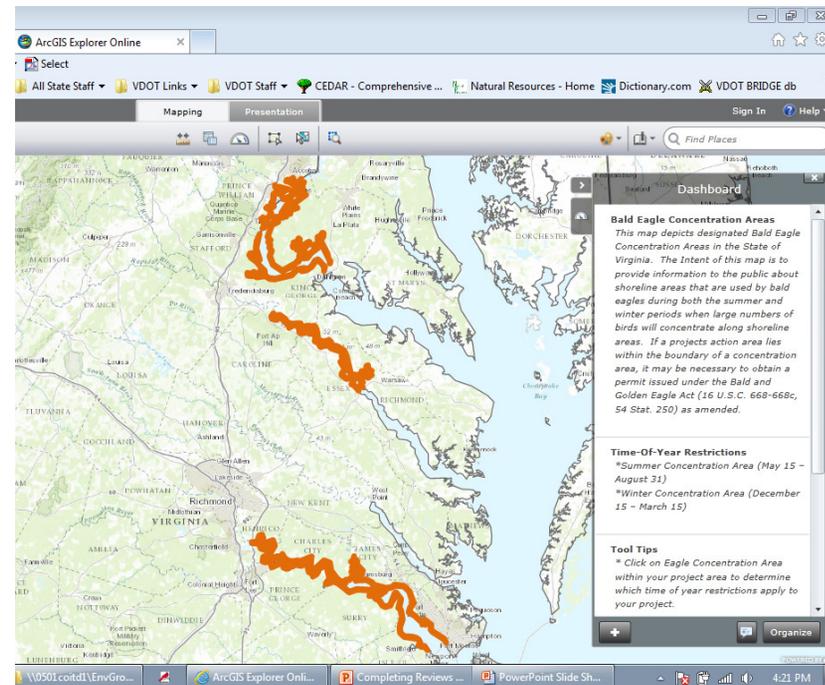
Online Data

- CCB's Eagle Nest Locator



- FWS Map of Eagle Concentration Areas

» ArcGIS Online



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Locality Responsibility

- Confirm species

- ✓ DGIF
- ✓ DNH
- ✓ IPaC
- ✓ Eagle Nest Locator

- ✓ Eagle Concentration Areas
- ✓ Critical Habitat
- ✓ Migratory birds

- Conduct necessary assessments
- Incorporate Special Provisions, if provided

VIRGINIA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION FOR
PROTECTION OF NESTING MIGRATORY BIRDS

Project: ProjectNumber
Effective Date: MonthDayYear

A. Background

The StructureName/Location is known to provide nesting habitat for the SpeciesCommonName (SpeciesScientificName). This migratory bird is protected by the Migratory Bird Treaty Act of 1918 et seq. This Act prohibits the harming, XXXXXXX and destruction of nests or parts thereof. To protect this species and its nests during nesting activity, StructureActivityDescription must conform to Section 107.01 of the Specifications to be observed and the aforementioned Act.

B. Requirements

1. A Time of Year Restriction on work on the SuperstructureBoxorPipe applies from StartDate to EndDate.
2. Migratory birds found to be nesting on the StructureType shall not be disturbed or displaced by maintenance, maintenance replacement, demolition or construction practices which would cause a direct effect to brooding birds during this time period. The Contractor may take actions to preempt nesting activity prior to that date. This may include the placement of netting, planking, tarpaulins, and other means that prevent the birds from accessing former nests or building new ones. The Contractor shall notify the District Environmental Manager when ready to perform these activities in the vicinity of nesting birds. The Contractor shall not proceed with activities until an on site inspection for the presence or absence of nesting migratory birds has been performed by the District Environmental Manager. The Contractor will be advised of the results of this inspection and may be given clearance to proceed subject to a determination of its findings.
3. Activities that cannot avoid nests or nesting activities by taking the preceding actions may require a permit from the Region 5 Bird Permit Office, Division of Migratory Bird Management, USFWS. The Region 5 contact information is presented below.

U.S. Fish and Wildlife Service
Migratory Bird Permit Office
P.O. Box 779
Hadley, MA 01035-0779

Tel. (413) 253-8643
Fax (413) 253-8424
Email permitsR5MB@fws.gov

4. Notification and Cessation of Work

In the event the activities of the Contractor cannot adhere to this special provision, the Contractor shall notify the District Environmental Manager and cease all activity until a permit is obtained. No compensation or claim for time or damages will be valid for failure to meet the conditions of this special provision.

C. Measurement and Payment

Locality Responsibility

- Complete Species Conclusion Table
 - » No Effect
 - » Not Likely to Adversely Affect
 - » May Adversely Affect
- Coordinate with FWS, following Online Review Process
- Copy FHWA/VDOT
- Complete Section 7 Consultation, if required

New changes...bats

Northern long-eared bat

- Federally threatened - Effective May 4th
- **Section 7 range is the entire state**
- Interim 4(d) rule included in listing
 - » Exempts some activities from take (including maintenance/limited expansion on transportation corridors)
 - » STILL requires coordination and clearance through Section 7 (p. 18023 of FR)

New changes...bats

Range-wide Programmatic Consultation

- Indiana and Northern long-eared bat
 - » Requires tree clearing TOYR April 15 through September 15
 - » Limited to work within existing corridors within 100' of cleared ROW
 - » Provides some relief for maintenance work when bats are present
 - » Provides guidelines for structure (outbuilding) removal
 - » Requires bat inventory on bridges
 - If work removes roost potential
 - If bats and work in Active Season

New changes...bats (cont'd)

- No Effect
 - » If no bats on bridges
 - » Work on road surface
 - » No work in habitat (forested areas)
 - NOTE: Trees larger than 3" dbh are considered suitable habitat

New changes...bats (cont'd)

- Not Likely to Adversely Affect
 - » All winter tree clearing w/in 100' of existing roads
 - » Winter bridge work, with no loss of roost potential
 - » Work on bridges in Active Season, but don't disturb bats
 - » Structure maintenance (outbuildings, etc.) that does not disturb bats

- Requires individual coordination
 - » New alignment or >100' from existing road
 - » If within half mile of hibernacula and
 - Tree removal
 - Earth moving
 - Blasting
 - » Removing roost potential

New changes...bats (cont'd)

- Activities currently under construction or advertised have completed due diligence review
- Soon to be released User's Guide may change some of this

Resources

- Bald Eagle Management Guidelines
 - <http://www.fws.gov/northeast/EcologicalServices/eagle.html>
- CCB Eagle Nest Locator
 - <http://www.ccb-wm.org/virginiaeagles/locator.php>
- Critical Habitat Mapper
 - http://www.fws.gov/northeast/virginiafield/endspecies/Critical_Habitat.html
- Eagle Concentration Areas
 - <http://www.arcgis.com/explorer/?open=8fa548ea54f543a2b2dbe9c9853a81d1>
- FWS Online Review Process
 - http://www.fws.gov/northeast/virginiafield/endspecies/Project_Reviews_Introduction.html
- IPaC
 - <http://ecos.fws.gov/ipac/>
- Northern long-eared and Indiana bats
 - <http://www.fws.gov/midwest/endangered/mammals/nlba/>
 - <http://www.fws.gov/midwest/endangered/section7/fhwa/index.html>

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