

## American burying beetle (ABB) *Nicrophorus americanus*

This document outlines the step-wise process used to determine effects of an action on the federally endangered American burying beetle (ABB), and help determine whether formal consultation or Habitat Conservation Plan with the U.S. Fish & Wildlife Service regarding ABB is needed. This only addresses ABB, other federally-listed species could still occur within your project area and would still need to be evaluated.

- A. Visit the Oklahoma Ecological Services Website at <http://www.fws.gov/southwest/es/Oklahoma/>. Click the **Project Reviews** tab in the left hand column and read all the contents therein.
- B. Go to **Step 1** and define your **action area** using the criteria found in the pop-up window.
- C. Go to **Step 2** and read the contents therein. Click on the **(IPAC)** icon within the text. This will take you to our Information, Planning, and Conservation (IPaC) website <http://ecos.fws.gov/ipac/>.
- D. Once on the IPaC website, define (draw) your action area on the map as directed (You will need to zoom in to do this) and click continue.
- E. Select your project type from the drop-down menu and click continue.
- F. Does IPaC list ABB as a species within your project boundary?
  - i. No – Conclude that your project will not impact ABB, and your project can move forward without further consideration of ABB.
  - ii. Yes –Request an Official Species List from IPaC and Continue.
- G. Will your project disturb more than 1.2 acres and ABB is on your official species list?
  - i. No – You project will Not Likely Adversely Affect ABB. Document this determination on your species conclusion table and submit it with your project consultation package. Your project can move forward without further consideration of ABB. (*other federally-listed species could still occur within your project area that need to be evaluated*)
  - ii. Yes – Continue.
- H. If your project disturbs more than 1.2 acres, evaluate the project area for suitable habitat using the exclusion criteria below. Remember to document this analysis in your species conclusion table when you submit your project consultation package.
  - i. Exclusion Criteria: Sites exhibiting the below characteristics are **unlikely** to harbor ABB.
    1. Soil that is greater than 70% sand.
    2. Soil that is greater than 70% clay.
    3. Land where greater than 80% of the soil surface is comprised of rock.
    4. Land where greater than 80% of the subsurface soil structure within the top 4 inches is comprised of rock.
    5. Land that has already been developed and no longer exhibits surficial topsoil, leaf litter, or vegetation.

6. Agricultural land that is tilled and where pesticides are utilized on at least an annual basis.
7. Land in an existing right-of-way/bar ditch along a roadway that is maintained through frequent mowing or herbicide. Frequent is defined as being mowed and/or sprayed at least twice a year and where vegetation is maintained at a height of 8 inches or less.
8. Urban areas (areas surrounded on at least 2 sides with other development).
9. Stockpiled soil without vegetation (stockpiled soil that has vegetation *is* considered *suitable*).
10. Wetlands (defined as sites exhibiting hydric- soils and vegetation and/or wetland hydrology).

**NOTE**

- ii. If your whole project falls within the exclusion criteria (enumerated above,) then the project can be considered to have *discountable* or *insignificant effects* to the ABB and can be considered Not Likely to Adversely Affect the ABB. Document this determination on the species conclusion table when you submit your project consultation package and your project can move forward.
- I. If your project area does not meet any of the above characteristics and contains  $\geq 1.2$  acres of soil disturbance, then we request a section 10 permitted biologist conduct presence/absence surveys using established survey procedures found on our website at [http://www.fws.gov/southwest/es/Oklahoma/ABB\\_Add\\_Info.htm](http://www.fws.gov/southwest/es/Oklahoma/ABB_Add_Info.htm).
    - i. If presence of ABB is negative your project will Not Likely Adversely Affect ABB. Your Project can move forward without further consideration of ABB.
    - ii. Surveys must be performed during the ABB active season (May 20 – September 20) and are valid until May 20<sup>th</sup> of the following year.
    - iii. Projects that do not obtain a valid survey when the project requires it, should delay any soil disturbing activities until a survey can be completed during the next years ABB active season.
  - J. Submit the required survey documents (data sheets, electronic summary, and hardcopy summary) for review/validation by the Service, as described in the protocols.
  - K. Once you receive a validation of survey letter/email, continue to **Steps 3-5** on our **Project Review** website and complete the project review package. One of the following actions is required:
    - i. No ABB present – you can conclude that the project determination should be May Affect, Not Likely to Adversely Affect the ABB, and document the absence on the Species Conclusion Table and submit the package to the Service for review.
    - ii. ABB present – you can conclude that the project determination should be May Affect, Likely to Adversely Affect the ABB. Further consultation with the Service is then required to obtain an Incidental Take Statement through Formal Consultation pursuant to section 7 for project with a federal nexus; or through a Habitat Conservation Plan / General Conservation Plan pursuant to section 10 for private actions. For more information see [http://www.fws.gov/southwest/es/Oklahoma/ABB\\_Add\\_Info.htm](http://www.fws.gov/southwest/es/Oklahoma/ABB_Add_Info.htm).