United States Department of the Interior

FISH AND WILDLIFE SERVICE
Caribbean Ecological Services
Field Office
P.O. Box 491
Boqueron, PR 00622

In Reply Refer To:
FWS/R4/CESFO/BKT/FTA

JAN 14 2013

Ms. Yvette G. Taylor
FTA, Regional Administrator
230 Peachtree, NW
Suite 800
Atlanta, GA 30303

Re: Blanket Clearance Letter for federally sponsored projects, Federal Transportation Authority

Dear Mrs. Taylor:

For several years, the U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office has been providing technical assistance for project evaluation of certain federally sponsored projects in the Commonwealth of Puerto Rico and U.S. Virgin Islands. We developed this blanket clearance letter to facilitate the evaluation of projects located on urbanized areas, vacant lots covered by grassland and/or disturbed scrubs in the U.S. Caribbean. It is provided as technical assistance under the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C.1531 et seq.) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661et seq.).

We have determined that these projects to be located on urbanized areas and vacant lots deprived of forested habitats are not likely to adversely affect federally-listed species under our jurisdiction. Furthermore, consultation pursuant section 7 of the Endangered Species Act would not be needed for projects in compliance with the following criteria.

1. Rehabilitation of facilities of an already established Public Transportation System (signs, sidewalks and ramps, bus stops and existing routes).
2. Expansion of Public Transportation facilities on an already disturbed area or on urbanized areas and vacant lots covered by grassland.
3. New construction of facilities for Public Transportation System on an already disturbed area or on urbanized areas and vacant lots covered by grassland.

Proposed construction of transportation projects nearby or in forested areas should be submitted to the Caribbean Ecological Services Field Office and will be reviewed in a case-by-case basis to assess possible adverse effects under the Endangered Species Act.

The Service reserves the right to revoke this BCL if:

1. New information reveals that the categories of work covered in this BCL may affect listed species or designated critical habitat in a manner, or to an extent, not previously considered.
2. The categories of work included in this BCL are subsequently modified to include activities not considered in this review.
3. New species are listed or critical habitat designated that may be affected.

It is our mission to work with others, to conserve, protect and enhance fish wildlife and plants and their habitats for the continuing benefit of our people.

To obtain additional information on threatened and endangered species, you may visit our website http://www.fws.gov/caribbean/ES where you will also find the Map of the Species by Municipality and the Map of Critical Habitat. The USFWS has also developed a web based tool called **IPac**. Please visit http://www.ecos.fws.gov/ipac and familiarize yourself with the features we offer. We encourage you to begin your project planning process by requesting an **Official Species List** for your individual project that will include all species that may occur in the vicinity of the action area and includes a map of the action area. The site will also identify designated critical habitat, or other natural resources of concern that may be affected by your proposed project. At this time, best management practices or conservation measures are not available at the site but we expect the site to continue growing in its offering.

These maps provide information on the species/habitat relations within a municipality and could provide the applicants an insight if the proposed action is covered under this BCL or may affect a species, thus requiring individual review.

If you have any additional question regarding this blanket clearance, please do not hesitate to contact Marelisa Rivera, Deputy Field Supervisor, at 787-851-7297 extension 206.

Sincerely yours,

Edwin E. Muñiz
Field Office Supervisor

mrh

Enclosures

US Fish and Wildlife Service

Ecological Services in the Caribbean

Caribbean Field Office

Project evaluation

Our mission is to conserve, protect and enhance fish and wildlife and their habitats through consultation, cooperation and communication for the continuing benefit of the American people.

Legal authorities:

- Endangered Species Act (ESA)
- Fish and Wildlife Coordination Act
- Migratory Bird Treaty Act
- Coastal Barriers Act

Roles and Responsibilities:

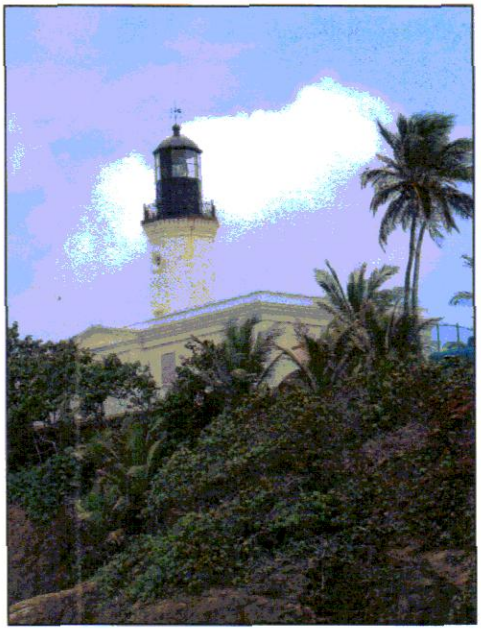
- Provide technical assistance to Federal and Commonwealth agencies to minimize possible impacts of land and water projects to our trust resources
  - *Wetlands and other aquatic habitats
  - *Endangered Species and their habitats
  - *Migratory Birds
  - *Critical Wildlife Areas
  - *Coastal Barriers
- Assist with ESA Section 7 compliance through informal and formal consultation processes

How do we assist others?

- Determine presence / absence of wetland resources, threatened and endangered species habitat, coastal barriers, important wildlife areas within the action area
- Evaluate possible direct, indirect and cumulative impacts
- Provide conservation recommendations to avoid, minimize and/or mitigate impacts
- General recommendations for habitat enhancement

Minimum requirements for the evaluation of projects:

- An 8.5 by 11 inch copy of the specific site location on a USGS topographic map (1:20,000) marked with an arrow (➡)
- Project description
- Aerial photo of the project site
- Latitude and Longitude (degrees, minutes and seconds or decimal degrees)
- Environmental Documents (EA and EIS)
- Specific studies (by qualified personnel)



For more information:

US Fish and Wildlife Service
Caribbean Field Office
Raod 301, Km. 5.1
Bo. Corozo
Boquerón, PR 00622
http://www.fws.gov
http://www.fws.gov/caribbean/es

US Fish and Wildlife Service

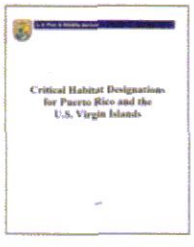
Caribbean Ecological Services Field Office

Endangered Species Lists Using Web-based Tools

The U.S. Fish and Wildlife Service's Caribbean Ecological Services Field Office (CESFO) provides technical assistance to private individuals and organizations, as well as Federal, state, and local agencies pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). To assist project sponsors or applicants with the process of determining whether a Federally-listed species and/or "critical habitat" may occur within their proposed project area, we have developed Web-based tools. These tools were developed primarily to assist Federal agencies that are consulting with us under Section 7(a)(2) of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

IPaC. The US Fish& Wildlife Service (USFWS) has a tool named IPaC. IPaC stands for Information, Planning, and Conservation. This system is designed for easy, public access to the natural resources information for which the USFWS has trust or regulatory responsibility. Examples include Threatened and Endangered species, migratory birds, National Refuge lands, Coastal Barrier Resource Units, and the management of invasive species. One of the primary goals of the IPaC system is to provide information in a manner that assists individuals in planning their activities within the context of natural resource conservation. The IPaC system also assists people through the various regulatory consultation, permitting and approval processes administered by the USFWS, helping achieve more effective and efficient results for both the project proponents and natural resources. Through IPaC, you can get a preliminary USFWS species list in addition to links to species life history information, the USFWS Migratory Bird program, and more. You can access IPaC at: http://ecos.fws.gov/ipac

CESFO List of Threatened & Endangered Species and Critical Habitat Designations: CESFO has developed another tool (Species Map) that can be used as a quick reference to find out where the Federally-listed species



are known to occur, as well as those likely to occur, in any given municipality in Puerto Rico and island in the U.S. Virgin islands. It identifies general areas where the species may be located. However, it does not represent the absolute distribution of the species and does not constitute a recommendation or comment issued by our agency in reference to a proposed project. This list represents the best available information regarding known or likely occurrences of Federally-listed species and is subject to change as new information becomes available. You can access this database at http://www.fws.gov/caribbean/es/PDF/Map/pdf

Be aware that Section 9 of the ESA prohibits unauthorized taking of listed species and applies to Federal and non-Federal activities. Under the Act, it is illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs

essential behavioral patterns of fish or wildlife. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to "take[1]" any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for "take," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

If the project is within the distribution of the species, additional information may be needed to determine the presence of habitat. In some cases, specialized surveys may be needed to determine the presence or absence of the species in a particular area.

For additional information on fish and wildlife resources or State-listed species, we suggest contacting the Puerto Rico Department of Natural and Environmental Resources and the U.S. Virgin Islands Department of Planning and Natural Resources.

For further assistance, please feel free to contact us at (787) 851-7297 or visit our Web page at www.fws.gov/caribbean/es if you need further assistance.

For further information visit our national websites at:
http://www.fws.gov
http://ecos.fws.gov

U.S. Fish & Wildlife Service

Consultations with Federal Agencies

Section 7 of the Endangered Species Act

The purposes of the Endangered Species Act are to provide a means for conserving the ecosystems upon which endangered and threatened species depend and a program for the conservation of such species. The ESA directs all Federal agencies to participate in conserving these species. Specifically, section 7 (a)(1) of the ESA charges Federal agencies to aid in the conservation of listed species, and section 7 (a)(2) requires the agencies to ensure that their activities are not likely to jeopardize the continued existence of listed species or adversely modify designated critical habitats.

USGS

In response to requests for consultations from the U. S. Coast Guard with regard to manatees and sea turtles, the South Florida Office of the U. S. Fish and Wildlife Service has provided guidance about events such as firework displays, regattas, boat parades and races, and fishing tournaments.

How does the consultation process support the recovery of species and their ecosystems?

The Endangered Species Program of the U.S. Fish and Wildlife Service uses section 7 tools in partnership with other Service programs and other Federal agencies to collaboratively solve conservation challenges, as well as create opportunities, using section 7 consultations, to recover the ecosystems of listed species. Consultations also provide ways to implement recovery tasks by addressing threats to listed species that may result from Federal agency programs and activities.

What is the consultation process that occurs under section 7(a)(2)?

The provision under section 7 that is most often associated with the Service and other Federal agencies is section 7(a)(2). It requires Federal agencies to consult with the Service to ensure that actions they fund, authorize, permit, or otherwise carry out will not jeopardize the continued existence of any listed species or adversely modify designated critical habitats. The Service issued regulations in 1986 detailing the consultation process, and we have since completed a handbook describing the process in detail. The handbook is available on our web site at http://www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf.

What is the Service doing to facilitate the consultation process?

Designing projects in ways that are compatible with the conservation needs of listed species and their ecosystems is among the most effective methods of ensuring a more rapid and efficient section 7 consultation process, as well as species' recovery. The Information, Planning, and Conservation System is an emerging tool for action agencies, their applicants, and other project proponents to use during the initial phases of project development and assessment. The system will allow for more effective integration of listed resource conservation needs and the eventual streamlining of section 7(a)(2) consultation.

How does a consultation get started?

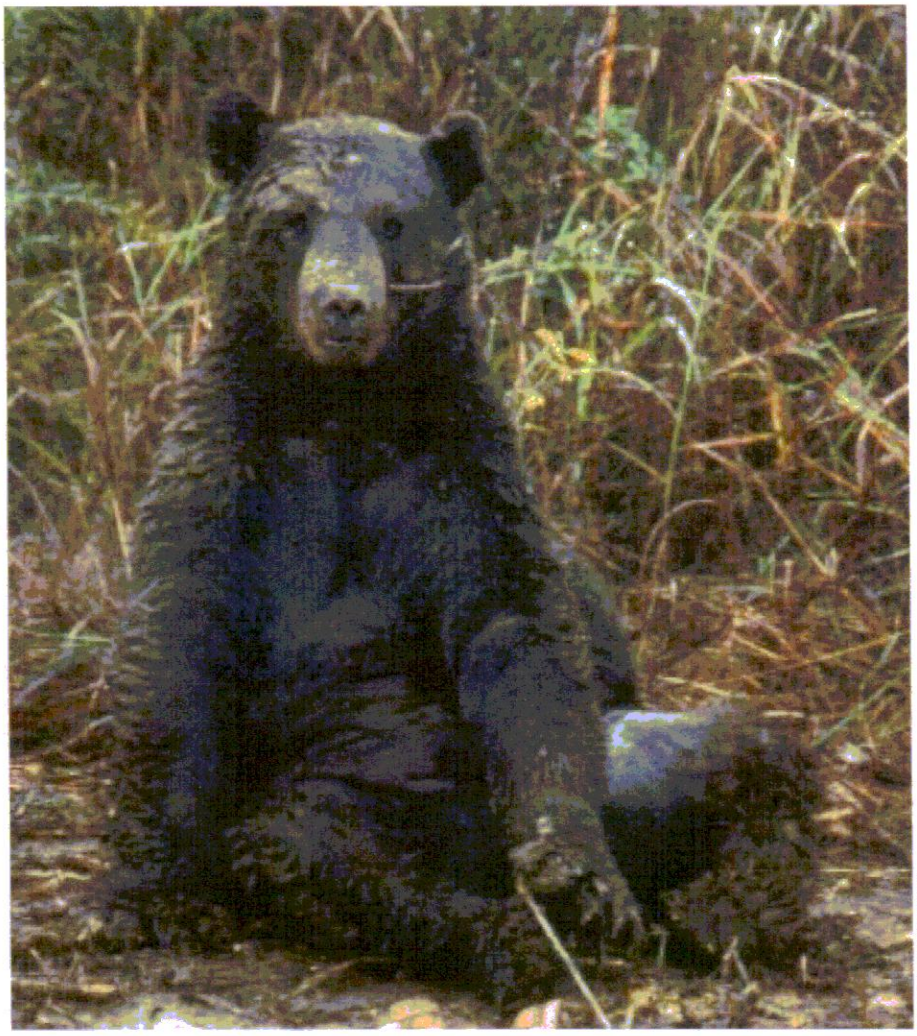
Early coordination is one of the most effective methods of (1) streamlining section 7 consultation, (2) reducing the need to make project modifications during the consultation process, and (3) improving the ability of section 7 to fulfill its role as a recovery tool. Federal agencies, applicants, and the Service engage in early coordination to develop methods of integrating proposed activities with the conservation needs of listed resources before the proposed actions are fully designed.

Before initiating an action, the Federal agency or its non-Federal permit applicant should coordinate with the Service as to the species that may be within their action area. If a listed species is present, the Federal agency must determine whether the project may affect it. If so, consultation may be required. If the action agency determines (and the Service agrees) that the project is not likely to adversely affect a listed species or designated critical habitat, and the Service concurs in writing, then the consultation (informal to this point) is concluded.

What happens if a Federal project may adversely affect a listed species?

If the Federal agency determines that a project is likely to adversely affect a listed species or designated critical habitat, the agency initiates formal consultation by providing information with regard to the nature of the anticipated effects. The ESA requires that consultation be completed within 90 days, and the regulations allow an additional 45 days for the Service to prepare a biological opinion. The analysis of whether or not the proposed action is likely to jeopardize the continued existence of the species or adversely modify designated critical habitat is contained in a biological opinion. If a jeopardy or adverse modification determination is made, the biological opinion must identify any reasonable and prudent alternatives that could allow the project to move forward.

The Service must anticipate any incidental take that may result from the proposed project and, provided that such take will not jeopardize the continued existence of the listed species, authorize that take in an incidental take statement. The latter contains clear terms and conditions designed to reduce the impact of the anticipated take to the species involved. The authorization of incidental take is contingent upon the Federal agency carrying out the terms and conditions. If the Service issues either a non-jeopardy opinion or a jeopardy opinion that contains reasonable and prudent alternatives, it may include an incidental take statement.



Dan Anderson/USFWS

This Louisiana black bear was one of the largest ever captured on Tensas River National Wildlife Refuge, weighing in at over 400 pounds. The bear was trapped using a leg-hold cable snare that does not injure the animal. The biological information obtained, including weight, sex, a tooth for aging, and other measurements, is part of the Service's ongoing research efforts to aid in the recovery of this threatened subspecies. Afterwards, the bear was released on site.

What is the consultation workload?

In Fiscal Year 2010, the Service assisted Federal agencies in carrying out their responsibilities under section 7 on more than 30,000 occasions. The vast majority of the workload was technical assistance to Federal agencies and informal consultations on actions that were not likely to adversely affect listed species or their designated critical habitat. A large percentage of projects, as initially planned, would have had adverse impacts to listed species, but were dealt with through informal consultation. In these situations, the Federal agency made changes to the project design so that adverse impacts to listed species were avoided.

What type of guidance is available for other Federal agencies?

Guidance is available on our section 7 web site at http://www.fws.gov/endangered/what-we-do/consultations-overview.html. Please call us at 703-358-2171 if you have any questions, or see our Endangered Species Program Contacts at http://www.fws.gov/endangered/regions/index.html to locate a Service office in your area.

U. S. Fish and Wildlife Service
Endangered Species Program
4401 N. Fairfax Drive, Room 420
Arlington, VA 22203
703-358-2171
http://www.fws.gov/endangered/

April 2011