



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Caribbean Ecological Services

Field Office

P.O. Box 491

Boqueron, PR 00622

JUL 24 2014



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

Mr. Alejandro R. De la Campa  
Disaster Recovery Manager  
Federal Emergency Management Agency  
PO Box 70105  
San Juan, Puerto Rico 00936

Re: Blanket Clearance Letter for Federally  
sponsored projects, Hazard Mitigation and  
Public Assistance Grants

Dear Mr. De la Campa:

The U.S. and Fish and Wildlife Service (USFWS) is one of two lead Federal Agencies responsible for the protection and conservation of Federal Trust Resources, including threatened or endangered species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (ESA).

In the U.S. Caribbean, the USFWS has jurisdiction over terrestrial plants and animals, the Antillean manatee and sea turtles when nesting. The National Marine Fisheries Service has jurisdiction over marine species, except for the manatee. The ESA directs all Federal agencies to participate in conserving these species. Especially, Section 7 of the ESA which requires Federal agencies to consult with the USFWS to ensure that actions they fund authorize, permit, or adversely modify designated critical habitat. The USFWS issued regulations in 1986 detailing the consultation process. As part of this consultation process, the USFWS reviews development projects to assist Federal agencies with the compliance of the ESA.

In addition the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c), requires that Federal agencies that propose to control or modify any body of water must first consult with the USFWS. Service recommendations are to be included in the decision making process of that agency.

The U.S. Federal Emergency Management Agency (FEMA) typically funds the Hazard Mitigation and Public Assistance Grants Program. Obligations under the ESA, as well as the National Environmental Policy Act (NEPA), require FEMA to perform consultations and an environmental impact reviews prior to the project's authorization. Primarily, these projects involve repair or reconstruction of existing facilities associated with developed land.

In order to expedite the consultation process, the Caribbean Ecological Services Field Office has developed this Blanket Clearance Letter to cover for activities and projects that typically result in no adverse effects to federally-listed species under our jurisdiction. If projects comply with the project criteria discussed below, no further consultation with the USFWS is needed.

### Project Criteria

#### 1. Public Assistance Grants Program

##### A. Roads

- The activities for street resurfacing of asphalt, replace asphalt for concrete and the use of gabion or reinforced concrete retention walls, when limited to actions that do not involve cutting native vegetation or mayor earth moving; and are not located within, or adjacent to, forested drainages, rivers, or wetlands.

##### B. Bridges

- Repair, replacement and installation of bridges or rip-rap; provide that the construction of the bridge and equipment storage or staging areas are not located on vacant property harboring wetlands and/or forested vegetation and that in coastal areas, the lighting associated to the project is not visible directly or indirectly from the beach. The use of gabions is not recommended.

##### C. Buildings

- Rehabilitation of existing occupied buildings; provide that the project and equipment storage or staging areas are not located on vacant property harboring a wetland and/or forested vegetation and that the lighting associated to the new facilities is not visible directly or indirectly form a beach.

##### D. Water control facilities

- Provided that water control facilities do not affect forested riparian habitats. The Service does not recommend the construction of physical barriers within water bodies that may impede the migration or movement of aquatic native fauna.

##### E. Cemeteries

- The reconstruction or expansion of existing facilities, provided that proposed activities are located within areas covered with grasses or within urban areas, provided that the property is not a wetland area and is located in a coastal area, and the lighting associated to the facilities are not visible directly or indirectly from the beach.

##### F. Power and water supply

- The facilities should be located in existing open areas covered by grasslands or disturbed scrub, provide that the property is not a wetland area and the lighting associated to the facilities are not visible directly or indirectly from the beach.

- The proposed electrical tower design should not be more than 250 feet tall.
  - The tower should not require the use of guy wires.
- G. Water treatment facilities
- Rehabilitation of existing water treatment facilities.
  - Improvements to existing water treatment facilities in open areas covered by grasslands or disturbed scrub, provided that the property is not a wetland area or coastal area.
  - Equipment storage are not located on vacant property harboring a wetland and/or forested vegetation and that in coastal areas the lighting associated to the new facilities is not visible directly or indirectly form a beach.
- H. Temporary Debris Storage (TDS) facilities
- These facilities should be located in existing upland open areas covered by grasslands or disturbed scrub. TDS facilities should not be located in or adjacent to wetland areas or in locations that require the clearing of forested areas.

## 2. Hazard Mitigation Grants Program

- A. Underground conversion of aerial distribution systems
- Burial of communication and power lines provide that they are located in urbanized areas and vacant lots covered by grassland and disturbed scrubs.
  - Staging areas do not impact wetlands or forested areas.
  - If directional drilling is to be used, adequate management of drill mud is maintained.
- B. Retrofit of buildings
- The retrofit of existing buildings; provide that the project and equipment storage or staging areas are not located in wetlands and/or forested vegetation and that in coastal areas the lighting associated to the new facilities is not visible directly or indirectly form a beach.
- C. Elevation of structures: flood prone areas
- Construction of houses, buildings or acquiring lands in urban areas covered by grasslands or disturbed shrubs for relocation of low income families and/or facilities that have been affected by weather conditions. Equipment storage are not located on vacant property harboring a wetland and/or forested vegetation and that in coastal areas the lighting associated to the new facilities is not visible directly or indirectly form a beach.
- D. Acquisition and demolition of structures: flood or landside prone areas
- Demolition of dilapidated buildings; provided that the demolition debris is disposed in certified receiving facilities; Equipment storage or staging areas are not located on vacant property harboring a wetland and/or forested vegetation and that in coastal

areas, the lighting associated to the new facilities is not visible directly or indirectly from a beach.

Determination:

Based on the nature of the projects described above and habitat characteristics described in the project criteria, we have determined that the actions and type of projects described above may be conducted within the BCL without adversely affecting federally-listed species under our jurisdiction. Thus, consultation under Section 7 of the Endangered Species Act is not required.

In all situations, FEMA, and the municipalities are expected to implement Best Management Practices, where applicable, to ensure that impacts from erosion and stream sedimentation are appropriately minimized.

Limitations:

Actions that do not meet the above project criteria, such as actions requiring placement of fill, disturbance, or modification to land outside of an existing access road or ROW; actions that occur on vacant property harboring a wetland and/or forest vegetation; actions requiring excavation, clearing of native vegetation, or alteration of storm water drainage patterns; or actions that require lighting which can be directly or indirectly seen from a beach, must be individually coordinated through the Caribbean Ecological Services Field Office and will be evaluated on a case by case basis.

**The Service reserves the right to revoke or modify this BCL if:**

1. New information reveals that the categories of work covered in this BCL may affect listed 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.

The USFWS has developed recommendations for improving stream fauna movement in bridges, please see Enclosure 1.

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.

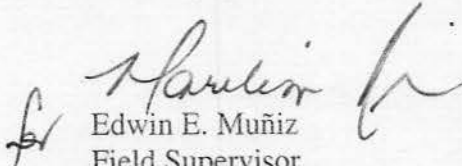
To obtain additional information on threatened and endangered species, you may visit our website <http://www.fws.gov/caribbean/ES> where you will also find the Map of the Species by Municipality and the Map of Critical Habitat. The USFWS has also developed a web based tool called IPac. Please visit <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, at 787-851-7297 extension 206.

Sincerely yours,

  
Edwin E. Muñiz  
Field Supervisor

Enclosure 1: Recommendations for Improvement of Bridges

Enclosure 2: Fact Sheets

cc: DNER, San Juan  
COE, San Juan  
OGPe, San Juan  
PRPB

## **Recommendations for Improvement of Bridges:**

The Service recommends full span bridges or bottomless culverts, with their footings outside the active stream channel. These types of structures require little long term maintenance, allow for full passage of low and bankfull flows and do not adversely impact the stream bed.

- a) Bridge abutments or wing walls should not intrude into the active river channel.
- b) Armoring of the river bottom or banks should be avoided.
- c) Bridge supports in the active river channel should be avoided, if needed; they should be designed appropriately to avoid trapping debris or promoting scour.

If culverts have to be used due to budget or design limitations, we recommend that culvert design and placement should adhere to the following design requirements:

- a) Culvert alignment should follow the natural curvature of the stream.
- b) Culverts should be designed to approximate the total stream width and or carry bankfull flow. Bankfull flow is defined as the flow that fills the active channel to the top of its banks, just prior to overtopping and flooding. It is usually estimated as the 1.5 year flow. It is this flow that maintains the channel and will also maintain the culverts free from excess sedimentation.
- c) Abutments and culvert wing walls should not intrude into the active stream channel.
- d) All culverts and footings must be countersunk below the natural grade of the stream bed. Culverts should be countersunk at both the invert and outlet ends a minimum of 10% of the culvert height. This will align the culvert with the slope of the stream. Calculations of culvert capacity should take this construction feature into consideration. Natural stream bed material will form the bottom of the countersunk culvert.
- e) While the main culvert should be designed to carry bankfull flows, it may be necessary to have additional culverts to carry flood flows. In multiple pipe designs such as triple box culverts, only one culvert should be designed to carry the low flows. The other culverts should be elevated or have a restriction or baffle at the inlet openings to impede low flows from entering the culvert. This will maintain the main culvert active and free of excess sedimentation during periods of low flow.
- f) If the terrain is steep, placement of a culvert may allow for unacceptably fast flows that can cause excessive scour at the outlet. In this situation, stone baffles

should be placed at the outlet to smooth the transition from the culvert to the stream bed and minimize scour.

- g) If the construction is occurring on bedrock then the requirement for countersinking the culvert need not apply, however, additional baffling inside the culvert may be needed to reduce flows at the outlet.
- h) The use of gabion structures or reno mats should be minimized. These structures have been known to fail over time, causing additional impacts and costly repairs.

If there is a need to construct temporary access roads across the streams in order to allow for traffic, then these temporary road crossings need to be shown in the project plans and evaluated. We recommend that all temporary road crossings first be lined with geotextile fabric prior to the placement of fill. This will avoid the fill mixing with the natural streambed and allow for easier removal afterwards without impacting the stream bed. The culverts for the temporary roads should follow the same culvert criteria as above in order to comply with the NWP general conditions.



## 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:

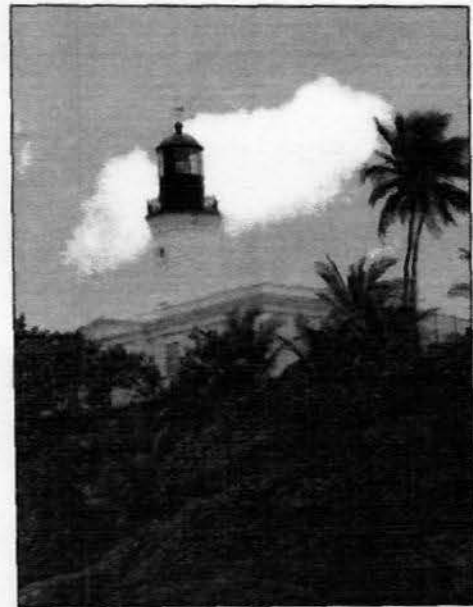
- Provide technical assistance to Federal and Commonwealth agencies to minimize possible impacts of land and water projects to our trust resources
  - \*Wetlands and other aquatic habitats
  - \*Endangered Species and their habitats
  - \*Migratory Birds
  - \*Critical Wildlife Areas
  - \*Coastal Barriers
- 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>





## 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

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



are known to occur, as well as those likely to occur, in any given municipality in Puerto Rico and island in the



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" 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](http://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.

### **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



*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.*

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](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/>**