



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Caribbean Ecological Services

Field Office

P.O. Box 491

Boqueron, PR 00622

**OCT 24 2019**

In Reply Refer To:  
FWS/R4/CESFO/BKT/RD2019

Mr. Josué E. Rivera  
State Director, Puerto Rico  
USDA Rural Development  
Edif. 654 Plaza  
Ave Muñoz Rivera Ste 601  
San Juan, PR 00918-4129

Re: Updated Blanket Clearance Letter for  
Federally sponsored projects, USDA Rural  
Development

Dear Director Rivera:

On January 14, 2013, the U.S. Fish and Wildlife Service (USFWS) in coordination with the Caribbean USDA Office of Rural Development (RD) office, signed the Blanket Clearance Letter (BCL) to expedite the consultation process, for federally sponsored projects. On August 20, 2019, the USFWS and USDA-RD decided to review and update the BCL to ensure that new available information regarding the consultation process is included. This letter replaces the January 14, 2013 Blanket Clearance Letter for RD sponsored projects.

The 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). The ESA requires federal agencies, in consultation with the U.S. Fish and Wildlife Service and the NOAA Fisheries Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. In the U.S. Caribbean, the USFWS has jurisdiction over threatened or endangered 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 USFWS issued regulations in 1986 detailing the consultation process. As part of this consultation process, the USFWS review development projects to assist Federal agencies on the compliance of the ESA. Since the USDA Rural Development (RD) typically allocate grant funds for rural and urban development projects, obligations under the ESA, as well as the National Environmental Policy Act (NEPA), require RD to perform consultation and environmental impact reviews prior to project's authorization. Mostly,

Mr. Rivera

these projects involve repair or reconstruction of existing facilities associated with developed land.

To expedite the consultation process, the Caribbean Ecological Services Field Office developed BCL 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. Activities related to 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. Construction of gutters and sidewalks along existing roads.
2. Reconstruction or emergency repairs of existing buildings, facilities and homes.
3. 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 lightning associated to the project is not visible directly or indirectly from the beach.
4. Water control facilities, provided they do not affect forested riparian habitats. USDA does not recommend the construction of physical barriers within water bodies that may impede the migration or movement of aquatic native fauna without U.S. Fish and Wildlife concurrence.
5. 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 shoreline.
6. Establishment of power facilities located in existing open or disturbed areas covered by grasslands or disturbed scrub, provided that the property is not a wetland area and the lighting associated to the facilities is not visible directly or indirectly from the beach.
7. Construction of small electric generating facilities (except geothermal), including those fueled with wind, sun, or biomass, capable of producing not more than 10 average MW. Siting, construction, and operation of emergency generators to be installed on or adjacent to existing structures and would not affect environment beyond the previously developed facility.
8. Rehabilitation of existing occupied single-family homes, and buildings; provided that 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 from a beach.

Mr. Rivera

9. Demolition of dilapidated single family homes or 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.
10. Rebuilding of demolished single-family homes or buildings, provided that the new construction is within the existing footprint of the previous structure and/or within pre-existing grassed or paved areas, and that the lighting associated to the new facilities are not visible directly or indirectly from a beach.
11. Retrofitting existing buildings, provided 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 from a beach.
12. Construction, reconstruction, or expansion of cemeteries, provided that proposed activities are located within disturbed areas or those covered with grasses or within urban areas, provided that the property is not a wetland area and is not located in a coastal area, and the lighting associated to the facilities is not visible directly or indirectly from the beach.
13. Activities within existing Right of Ways (ROWs) of roads, bridges and highways, when limited to actions that do not involve cutting native vegetation or mayor earth moving; and are not located within, or adjacent to, drainages, wetlands, or aquatic systems. These activities include the installation of potable water and sanitary pipelines, broadband lines, and utilities.
14. Construction of telecommunications systems or components in eligible rural areas covered by grasslands or disturbed shrubs and/or facilities that have been affected by weather conditions, provided that the property is not a wetland area and is not located in a coastal area, and the lighting associated to the facilities is not visible directly or indirectly from the beach.
15. Establishment of 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 cleaning of forested areas.
16. Establishment and closure of solid waste management facilities. These facilities should be located in existing upland open areas covered by grasslands or disturbed scrub. Solid waste management facilities should not be located in or adjacent to wetland areas or in locations that require the cleaning of forested areas.
17. Improvements to existing recreational facilities, including the installation of roofs to existing basketball courts, provided that the lighting associated to the facilities are not visible directly or indirectly from the beach.
18. Construction of electric underground systems in eligible rural areas and communities, provided that the property is not a wetland area and the lighting associated to the facilities are not visible directly or indirectly from the beach.

Mr. Rivera

19. Construction of facilities on vacant properties covered with grasses in urban areas, provided that the lighting associated to the facilities are not visible directly or indirectly from the beach.
20. Construction of houses, buildings or acquiring lands in urban areas covered by grass for relocation of low-income families and/or facilities that have been affected by weather conditions.

Determination:

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

For all projects, RD and its funded partners will implement Best Management Practices to enhance the conservation of our trust resources (i.e.; listed species, migratory birds, marine mammals and wetlands) and avoid impacts from project development to aquatic habitat such as erosion and stream sedimentation. We therefore, provide the following recommendations that have proven to help achieve this effort.

Water Crossing Structures:

1. Use of bottomless culverts or single span bridges instead of traditional box or RCP culverts or any other water crossing structure that impacts the stream bottom, particularly in streams which support native fish. The use of bottomless culverts or a short span bridge would provide a more stable crossing and would not alter the stream habitat. However, if bottomless structures or bridges are not feasible due to cost or engineering constraints, we recommend the following criteria be used to maintain good habitat in the streams:
  - a. The stream should not be widened to fit the bridge since this can lead to sedimentation during low flows and possible bank erosion during high flows. Rather, the bridge should be designed to fit the stream channel at the point of crossing. Culverts should be sized to carry natural bank full flow. Additional flow can be capture by culverts placed at a higher elevation so as not to impact bank full flows.
  - b. Bridge abutments, wing walls or any other structures should not intrude into the active stream channel.
  - c. All culvert footings must be countersunk into the stream channel at both the invert and outlet ends at a minimum of 10% of the culvert height. This will align the water crossing structure with the slope of the stream.
  - d. Waterways must not be blocked as to impede the free movement of water and fish. Materials moved during construction, such as grubbing,

Mr. Rivera

earth fills, and earth cut materials must not be piled where they can fall back into the stream and block the drainage courses.

- e. Appropriate erosion and/or sedimentation controls measures are to be undertaken to protect water quality until riverbanks are re-vegetated. It has been our experience that appropriate erosion and/or sedimentation control measures are not implemented properly by project contractors. In order to function properly, silt fences need to be buried 6" (proper depth is marked by a line on the silt fence) and supported at regular intervals by wood stakes. For that reason we are recommending that the enclosed drawing of proper silt fence installation is included in all final project construction plans.
- f. Upon completion of a water crossing construction, any temporary fill, must be removed from the construction area and disposed in a landfill.

For a detailed guide to water crossing structures, please refer to the published document titled "*Post-Disaster Guidance for Repair, Replacement, and Clean-up Projects in Streams and Waterways of Puerto Rico from Hurricane María*" that was developed by the USFWS for regulatory review by permitting agencies, protect damaged structures, reduce future damages, and prevent or minimize damage to natural resources. The guide is available at <https://www.fws.gov/southeast/pdf/guidelines/post-disaster-guidance-for-projects-in-streams-and-waterways-of-puerto-rico.pdf>.

#### 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 right of ways; 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 evaluated by the Caribbean Ecological Services Field Office. A project package following the minimum requirements to start an evaluation might be needed. More information on project packages can be obtained at <https://www.fws.gov/southeast/pdf/fact-sheet/caribbean-ecological-services-field-office-project-evaluations.pdf>

#### **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. others to conserve, protect, and enhance marine life, wildlife, plants and their habitats for the continuing benefit of our people.
4. Lack of compliance with criteria in this BCL.

Mr. Rivera

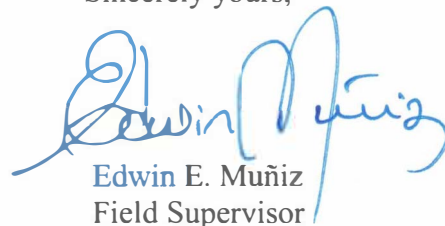
We encourage you to begin your project planning process by requesting an **Official Endangered and Threatened Species List** for each individual project location using the Information for Planning and Consultation System (IPaC). This list will include all species that may occur, in and near, the action area, a resources list, information on designated critical habitats or other natural resources of concern that may be affected by your proposed project, conservation measures for species that may occur, and project guidelines.

To obtain additional information on threatened and endangered species, you may visit the following websites:

- Caribbean Ecological Services webpage:  
<https://www.fws.gov/southeast/caribbean/>
- List of threatened and endangered species in the Caribbean:  
<https://www.fws.gov/southeast/pdf/fact-sheet/caribbean-listeed-species-2017-english.pdf>
- Information for Planning and Consultation System (IPaC):  
<https://ecos.fws.gov/ipac/>

We appreciate your interest in protecting endangered species and their habitats. It is the Service's mission to work with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of our people. 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. If you have any additional question regarding this BCL, please do not hesitate to contact Marelisa Rivera, Deputy Field Supervisor, at 787-851-7297 x 206 or at [marelisa\\_rivera@fws.gov](mailto:marelisa_rivera@fws.gov).

Sincerely yours,



Edwin E. Muñiz  
Field Supervisor

Enclosures:  
Fact Sheets  
2013 BLC for USDA Rural Development

cc: Office of Federal Funds, 78 Municipalities of Puerto Rico  
AAA  
PRFAA  
DNER



# Project Evaluations

## *Caribbean Ecological Services Field Office*

*Our mission is  
working with others  
to conserve, protect, and  
enhance fish, wildlife, and  
plants and their habitats  
for the continuing benefit  
of the American people.*

U.S. Fish and Wildlife Service  
Mission Statement



USFWS/Jan Zegarra

USFWS/Carlos Pacheco



USDA-APHIS/Fabiola Torres



The Caribbean Ecological Services Field Office (CESFO) provides technical assistance to Federal and State agencies, local governments, businesses, and the general public in regard to conserving, protecting, and restoring habitat for federally listed threatened and endangered species including migratory birds and other Federal natural trust resources.

### **Legal Authorities for Consultations:** *Endangered Species Act (ESA)*

Section 7 of the Endangered Species Act outlines procedures for interagency cooperation to conserve federally listed species and designated critical habitats or project with Federal Nexus

### *Fish and Wildlife Coordination Act*

The Fish and Wildlife Coordination Act proposes to assure that fish and wildlife resources receive equal consideration with other values during the planning of water resources development projects.

### *Migratory Bird Treaty Act*

The Migratory Bird Treaty Act is the primary legislation in the U.S. established to conserve migratory birds.

### *Coastal Barriers*

The legislation was implemented as part of a Department of Interior initiative to preserve the ecological integrity of areas that serve to buffer the U.S. mainland from storms and provide important habitats for fish and wildlife.

### **How Can We Assist You?**

- Assist with the determination of presence/absence of threatened and endangered species, suitable habitats, wetland resources, coastal barriers and important wildlife areas within the project site.
- Evaluating possible direct, indirect and cumulative impacts.
- Providing conservation recommendations to avoid, minimize and/or mitigate impacts on:
  - Endangered species and their habitats
  - Wetlands and other aquatic habitats
  - Migratory birds
  - Coastal barriers
  - Critical wildlife areas
- Providing general recommendations for habitat enhancement.



USFWS/Carlos Pacheco



USFWS/Omar Monseque

**Minimum Requirements to Start an Evaluation**

1. A project description.
2. An 8.5 by 11 inch copy of the specific site location on a USGS topographic map (1:20,000) marked with a red arrow.
3. Aerial photos of the project site.
4. Photos of the project site.
5. Latitude and Longitude coordinates (degrees/minutes/seconds)
6. Environmental Documents:
  - Flora and Fauna Assessments
  - Soil Studies
  - Environmental Assessments
  - Wetlands Delineations
  - Environmental Impacts Statement

**Submitting a Project Package**

1. Compile all the minimum requirements.
2. Include proponent contact information, complete mailing addresses and email.
3. Send all the available documents for the project by regular mail to:
  - Caribbean Ecological Services Field Office
  - U.S. Fish and Wildlife Service
  - P.O. Box 491
  - Boquerón, Puerto Rico 00622



USFWS/Jennifer Valentin

Once received, the project will be screened and if more information is needed we will contact the proponent. Most of the evaluations take approximately 30 to 45 days to be completed.

**For more information**

U.S. Fish and Wildlife Service  
Caribbean Ecological Services  
Field Office  
Road 301, Km. 5.1 / Bo. Corozo  
Boquerón, PR 00622

Telephone: 787/851 7297  
Fax: 787/851 7440  
Email: [Caribbean\\_es@fws.gov](mailto:Caribbean_es@fws.gov)  
<http://www.fws.gov/caribbean/es>





# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Caribbean Ecological Services

Field Office

P.O. Box 491

Boqueron, PR 00622

**JAN 14 2013**

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

Mr. Jose A. Otero  
Rural Development State Office  
654 Plaza, Muñoz Rivera Avenue  
Suite 601  
San Juan, PR 00918

Re: Blanket Clearance Letter for Federally  
sponsored projects, USDA Rural  
Development

Dear Mr. Otero:

The U.S. 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. Specially, section 7 of the ESA requires Federal agencies to consult with the USFWS 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 habitat. The USFWS issued regulations in 1986 detailing the consultation process. As part of this consultation process, the USFWS review development projects to assist Federal agencies on the compliance of the ESA.

The USDA Rural Development (RD) typically allocate grant funds for rural and urban development projects. Obligations under the ESA, as well as the National Environmental Policy Act (NEPA), require RD to perform consultation and an environmental impact review 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 (BCL) 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. Street resurfacing.
2. Construction of gutters and sidewalks along existing roads.
3. Reconstruction or emergency repairs of existing buildings, facilities and homes.
4. Rehabilitation of existing occupied single family homes, and buildings; provided that 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 from a beach.
5. Demolition of dilapidated single family homes or 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.
6. Rebuilding of demolished single family homes or buildings, provided that the new construction is within the existing footprint of the previous structure and/or within pre-existing grassed or paved areas, and that the lighting associated to the new facilities are not visible directly or indirectly from a beach.
7. Activities within existing Right of Ways (ROWs) of roads, bridges and highways, when limited to actions that do not involve cutting native vegetation or mayor earth moving; and are not located within, or adjacent to, drainages, wetlands, or aquatic systems. These activities include the installation of potable water and sanitary pipelines.
8. Improvements to existing recreational facilities, including the installation of roofs to existing basketball courts, provided that the lighting associated to the facilities are not visible directly or indirectly from the beach.
9. Construction of electric underground systems in existing towns and communities, provided that the property is not a wetland area and the lighting associated to the facilities are not visible directly or indirectly from the beach.
10. Construction of facilities on vacant properties covered with grasses in urban areas, provided that the lighting associated to the facilities are not visible directly or indirectly from the beach.
11. Construction of houses, buildings or acquiring lands in urban areas covered by grass for relocation of low income families and/or facilities that have been affected by weather conditions.

Determination:

Based on the nature of the projects described above and habitat characteristics described on project criteria, we have determined that the actions and type of projects described above may be conducted within this 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, RD and the municipalities are expected to implement Best Management Practices, where applicable, to ensure that impacts from erosion and stream sedimentation are appropriately minimized.

The Service encourages your agency to enhance the conservation of our trust resources (i.e.; listed species, wetlands, aquatic habitats, migratory birds and marine mammals). We therefore, provide the following recommendations that have proven to help in this way.

Water Crossing Structures:

1. Use of bottomless culverts or single span bridges instead of traditional box or RCP culverts or any other water crossing structure that impacts the stream bottom, particularly in streams which support native fish. The use of bottomless culverts or a short span bridge would provide a more stable crossing and would not alter the stream habitat. However, if bottomless structures or bridges are not feasible due to cost or engineering constraints, we recommend the following criteria be used to maintain good habitat in the streams:
  - a. The stream should not be widened to fit the bridge since this can lead to sedimentation during low flows and possible bank erosion during high flows. Rather, the bridge should be designed to fit the stream channel at the point of crossing. Culverts should be sized to carry natural bank full flow. Additional flow can be captured by culverts placed at a higher elevation so as not to impact bank full flows.
  - b. Bridge abutments, wing walls or any other structures should not intrude into the active stream channel.
  - c. All culvert footings must be countersunk into the stream channel at both the invert and outlet ends at a minimum of 10% of the culvert height. This will align the water crossing structure with the slope of the stream.
  - d. Waterways must not be blocked as to impede the free movement of water and fish. Materials moved during construction, such as grubbing, earth fills, and earth cut materials must not be piled where they can fall back into the stream and block the drainage courses.
  - e. Appropriate erosion and/or sedimentation control measures are to be undertaken to protect water quality until riverbanks are re-vegetated. It has been our experience that appropriate erosion and/or sedimentation control measures are not implemented properly by project contractors. In order to function properly, silt fences need to be buried 6" (proper depth is marked by a line on the silt fence) and supported at regular intervals by wood stakes. For that reason we are recommending that

the enclosed drawing of proper silt fence installation is included in all final project construction plans.

- f. Upon completion of a water crossing construction, any temporary fill, must be removed from the construction area and disposed in a landfill.

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.

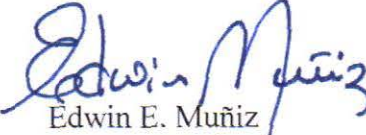
It is our mission to work with others, to conserve, protect and enhance fish wildlife and plants and their habitats for the continuing benefit of our people.

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 BCL, please do not hesitate to contact Marelisa Rivera, Deputy Field Supervisor, at 787-851-7297 extension 206.

Sincerely yours,

  
Edwin E. Muñiz  
Field Supervisor

Enclosures (Fact Sheets)

cc: OCAM, San Juan  
Office of Federal Funds, 78 Municipalities of Puerto Rico  
AAA  
PRFAA  
DNER



# 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:

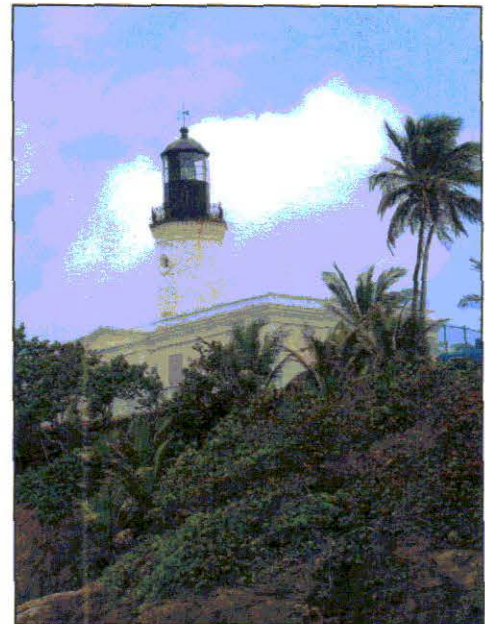
- Provide technical assistance to Federal and Commonwealth agencies to minimize possible impacts of land and water projects to our trust resources
  - \*Wetlands and other aquatic habitats
  - \*Endangered Species and their habitats
  - \*Migratory Birds
  - \*Critical Wildlife Areas
  - \*Coastal Barriers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

### 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

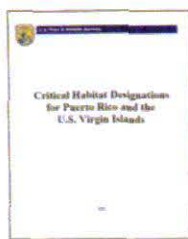
The U.S. Fish and Wildlife Service's Caribbean Ecological Services Field Office (CESFO) provides technical assistance to private individuals and organizations, as well as Federal, state, and local agencies pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 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>

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>



**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



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<sup>1</sup>" 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



Photo Credit: USGS - Sirenia Project

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.*

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?**

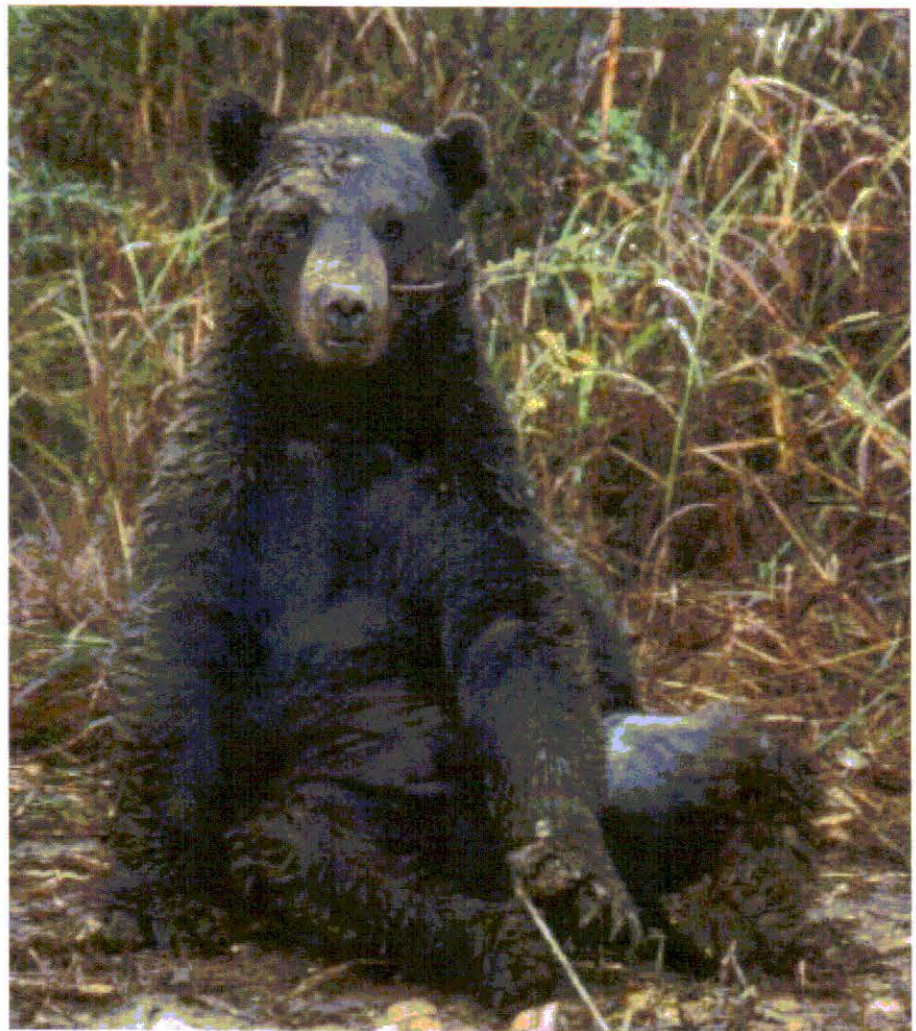
Early coordination is one of the most effective methods of (1) streamlining section 7 consultation, (2) reducing the need to make project modifications during the consultation process, and (3) improving the ability of section 7 to fulfill its role as a recovery tool. Federal agencies, applicants, and 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  
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