

RRT 5 ESA Workgroup

Planning Subcommittee - April 25, 2019



RRT HOME

RCP/ACP MAIN

RCP/ACP TOOLS

SUB-AREAS

INTERACTIVE MAPPING

LIBRARY

INTERNATIONAL

RRT



RRT HOME

 RRT Home



Background: Why consultations?

Consultation	Oversight Agency	Operation	Purpose
Endangered Species Act	USFWS & NMFS	Federal actions (including oil spill response) may affect protected (T&E) resources and their designated critical habitat	All Federal agencies are to carry out programs for the conservation of threatened and endangered plants and animals and the habitats in which they are found. Through Federal action and by encouraging the establishment of state/commonwealth programs, the 1973 ESA provided for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend.
Magnuson-Stevens Act (16 U.S.C. 1801-1884) Essential Fish Habitats (EFH) (50 CFR § 600, 1996).	NMFS	Federal actions, including oil spill response, that may adversely affect EFH	To protect the capability of EFH designated under the Magnuson-Stevens Act to produce managed fishery resources. EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.
Cultural and Historic Resources, Section 106 of the National Historic Preservation Act (NHPA)	National Park Service & Advisory Council on Historic Preservation (ACHP)	Federal undertakings (including oil spill response) that affect historic properties	Federal agencies must address the likely effect an undertaking may have on historic properties (as defined in NHPA). The main purposes for the establishment of the Section 106 review process is to minimize potential harm and damage to historic properties and cultural resources, and to ensure a stakeholder voice in decisions affecting those properties. Federal undertakings are projects, actions, or programs that are funded whole or in part under direct or indirect jurisdiction of a federal agency, including funding, permits or license, or on behalf of a federal agency.
Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments	Department of Interior Bureau of Indian Affairs	Federal policies and actions affecting federally recognized tribes.	Federal agencies must consult in a government to government fashion with tribes on actions and policies which may affect tribes, including Tribal lands or that have Tribal implications.
Native American Graves Protection and Repatriation Act (NAGPRA), Section 13	Department of the Interior & National Parks Service	Federal actions (including oil spill response) that affect Native American human remains, funerary objects, sacred objects and items of cultural patrimony on Federal or Tribal lands.	NAGPRA requires that Indian tribes, Alaska Native Village, or Native Hawaiian organizations be consulted whenever projects encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or Tribal lands. The law includes a “cease work” requirement unless a negotiated Plan of Action is in effect.

NOTE: There are other Acts that carry their own regulatory requirements such as the Marine Mammal Protection Act, and the Marine Sanctuaries Act and while they require that activities be coordinated to protect resources of those management entities, they do not specifically identify consultation mandates as do the mandates listed in the table.

Also: Essential Fish Habitat



Proposed Plan for Subcommittee Workgroup

- Form an RRT 5 ESA Consultation Workgroup
- Get species lists
- Complete response action matrix
- Formulate best management practices
- Draft biological evaluation
- Submit to services for determination
- Incorporate into ACPs



Workgroup composition

- RRT 5 Planning Subcommittee Workgroup
 - Core group requested: USCG (reps from each FOSC), EPA R5, NOAA, DOI, USFW
 - Recommended: State reps, tribal reps
 - Open: anyone interested & willing
- Expected Commitment
 - Monthly conference call
 - One two-day session (in-person/webinar)
 - Limited “outside homework” (species lists, review of products)



Get species lists

- Each area or sub-area identify geographic bounds via GIS – “action areas”
- Work with services (USFW & state agencies) to:
 - Identify federally-listed species in area or sub-area (federal partners)
 - Identify state listed species in area or sub-area (state partners)
- Produce species lists for areas or sub-areas

Indiana
Federally-Listed Threatened, Endangered and Candidate Species' County Distribution
 Revised August 2014

Species	Status	Counties	Habitat
MAMMALS			
<u>Gray bat</u> (<i>Myotis grisescens</i>)	Endangered	Clark, Crawford, Floyd, Harrison, Perry, Spencer	A year-round cave obligate species -- roosting in caves both during hibernation and summer. Foraging habitat of gray bats is correlated with rivers, streams, lakes or reservoirs and associated shorelines. Forested corridors used to travel between caves and foraging areas.
<u>Indiana bat</u> <i>Myotis sodalis</i>	Endangered	Statewide CRITICAL HABITAT: Big Wyandotte Cave (Crawford County), Ray's Cave (Greene County)	Hibernation occurs in caves and mines, with swarming in surrounding wooded areas. Summer roosting and foraging habitat occurs in wooded stream corridors and in bottomland and upland forests and woods.
<u>Northern long-eared bat</u> <i>Myotis septentrionalis</i>	Proposed as Endangered	Statewide	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts in tree trunks in upland forests and woods.
BIRDS			
<u>Least tern</u> (<i>Sterna antillarum</i>)	Endangered	Gibson, Greene, Spencer	Sandbars on large rivers, dredged spoil islands, and man-made habitats that include constructed nesting islands and gravel areas near impoundments.
<u>Piping plover</u> (<i>Charadrius melodus</i>)	Critical Habitat Designated	Porter - 9 km of Lake Michigan shoreline. The area part of Indiana Dunes State Park and the remaining 2.9 km are part of Indiana Dunes National Lakeshore) No recent records	
REPTILES			
<u>Copperbelly water snake</u> (<i>Nerodia erythrogaster neglecta</i>)	Threatened	Kosciusko, St. Joseph, Steuben	Wooded and permanently wet areas such as oxbows, sloughs, brushy ditches and floodplain woods
<u>Eastern massasauga</u> (<i>Sistrurus catenatus</i>)	Candidate	Allen, Carroll, Elkhart, Kosciusko, Lagrange, LaPorte, Marshall, Noble, Porter, Pulaski, St. Joseph, Steuben, Tippecanoe	Wetlands and adjacent uplands
MUSSELS			
<u>Clubshell</u> (<i>Pleurobema clava</i>)	Endangered	Carroll, Dekalb, Fulton, Kosciusko, Marshall, Pulaski, Starke, Tippecanoe, White	Tippecanoe River, Fish Creek
<u>Fanshell</u> (<i>Cyprogenia stegaria</i>)	Endangered	Carroll, Daviess, Dubois, Lawrence, Martin, Pike, Tippecanoe, Wabash, White	Tippecanoe River, East Fork White River
<u>Fat pocketbook</u> (<i>Potamilus capax</i>)	Endangered	Daviess, Gibson, Knox, Pike and Posey	Wabash River and Big Creek
<u>Northern riffleshell</u> (<i>Epioblasma torulosa rangiana</i>)	Endangered	Dekalb, Pulaski	Tippecanoe River, Fish Creek
<u>Rabbitsfoot</u> (<i>Quadrula cylindrica cylindrica</i>)	Threatened	Carroll, Cass, Fulton, Miami, Pulaski, Shelby, Spencer, Starke, Tippecanoe, and White	Eel River, Fish Creek, Ohio River, Ohio River, Tippecanoe River, Wabash River




Formulate best management practices

- Formulate Conservation Measures & Best Management Practices – to reflect previous and ongoing consultation with the services
 - Existing Conservation Measures and Best Management Practices Documented in Contingency Plans
 - Conservation Measures and Best Management Practices Agreed to as Part of this Consultation (may include common practices not previously identified in contingency plans)



Draft biological evaluation (BE)

- Compile information obtained to date
- Utilize national ESA workgroup's BE template
- Draft BE – coastal, inland or combined inland/coastal?
- USCG seeking Reserve support to active duty to accomplish
- Other support?

U.S. DEPARTMENT OF
HOMELAND SECURITY
United States Coast Guard 

**BIOLOGICAL ASSESSMENT OF THE ALASKA
FEDERAL/STATE PREPAREDNESS PLAN FOR
RESPONSE TO OIL & HAZARDOUS SUBSTANCE
DISCHARGES/RELEASES (UNIFIED PLAN)
FINAL**

Prepared for:

United States Coast Guard
Seventeenth Coast Guard District
709 W. 9th Street
Juneau, AK 99803

and

United States Environmental Protection Agency
Region 10 Alaska Operations Office
222 W. 7th Street, Box 19
Anchorage, AK 99513-7588

23 January 2014

Prepared by:

Windward Environmental LLC
200 West Mercer Street, Suite 401
Seattle, Washington 98119

ERM
825 West 8th Avenue
Anchorage, Alaska 99501

EXAMPLE



Submit to services for determination

- Submit BE(s) (federal partners) to services for determination per the Section 7 MOU
- Processes for state partners?

Appendix G: Effects Determination¶

To make a response action effects determination, the action agency needs to think about the proposed action including the direct, indirect, interdependent and interrelated effects on threatened and endangered (T&E) individuals and critical habitat. Determinations are made at the individual level, not the species level. ¶

The standard approach used by the Services is to consider exposure, response and risk. Exposure includes the behavior and distribution of individuals in the proposed action area and whether they would likely be exposed to the action. A response to the action can be caused by exposure to direct, indirect, interdependent and interrelated effects. Response includes how individuals of a T&E species would be expected to react when exposed to the effects of the action. Risk considers individuals and their fitness if they respond due to exposure to the proposed action. ¶



Incorporate into ACPs

- BE results will be incorporated into RCP, ACPs for areas & sub-areas
- Appendix?
- Response action matrices should remain valuable references/working tools for PRs & GRS