2015 FRA
Rail Program Delivery

RAIL
Moving America Forward

Case Study: Endangered Species Act

Programmatic Approaches & New Listings

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Today's Presentation Includes

- Bats, Consultation and the new User's Guide
- Implementation and next steps for the programmatic consultation finalized by US FWS, FHWA and FRA for both Bats on April 17, 2015
- Case Study: ILLINOIS

Did You Know?

Indiana Bat

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- ***Status***: Endangered, first listed March 11, 1967

- ***Habitat***: Summer habitat includes small to medium river and stream corridors with well developed riparian woods; woodlots within 1 to 3 miles of small to medium rivers and streams; and upland forests. Caves and mines as hibernacula.

- ***Range***: Alabama, Arkansas, Connecticut, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia

Did You Know?

Northern Long-eared Bat

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- ***Status***: Threatened, first listed on April 2, 2015

- ***Habitat***: Hibernates in caves and mines. Swarming in surrounding wooded areas in autumn. During late spring and summer roosts and forages in upland forests.

- ***Range***: Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming

Programmatic Consultation

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- ***The US FWS, FHWA, and the FRA have standardized their approach to assessing impacts to Indiana bats and Northern Long-eared bats from construction and expansion projects; then avoiding, minimizing and mitigating those impacts.***

The following three slides summarize the scope of this approach:

Programmatic Consultation

Consultation does not address certain actions that may affect the bats, but are not fully analyzed. Additional coordination with the appropriate FRA environmental Specialist and US FWS field office is necessary to make a final effect determination on these projects.

These include:

- New road/rail corridor (i.e., new alignment–not minor realignments)
- Activities that impact suitable forest habitat more than 100 feet from existing road/rail surfaces
- Bridge removal or modification projects with bat colonies known to be roosting under the bridge (any time of year)
- Bridge/structure maintenance activities that are near the roosting site while bats are documented to be present.
- Suitable forest habitat removal during the active season (without negative bat P/A surveys)
- Removal of any documented roosts or foraging/travel corridors
- Any project within 0.5 miles of hibernacula, including Indiana bat critical habitat

Programmatic Consultation

Consultation addresses actions that should result in:

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"No effect"

- Projects outside species' range
- Projects inside range, but outside of suitable habitat
- Activities completely within existing road/rail surface not involving percussive activities that increase noise above existing traffic/background levels
- Maintenance, alteration, or demolition of bridges/structures if the results of bridge inspection surveys indicate no signs of bats
- Activities that do not involve construction

Programmatic Consultation

Consultation addresses actions that should result in:

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"May affect, not likely to adversely affect" (with Avoidance and Minimization Measures-AMM)

- Tree removal that:
  - *Occurs outside the active season*
  - *Occurs within 100 feet (30.5 m) of existing road surfaces;*
  - *Does not remove documented roosts or foraging habitat.*

- Structure or bridge maintenance outside the active season that:
  - *Include any applicable lighting minimization measures; and*
  - *Do not alter roosting potential*

- Structure or bridge maintenance during the active season that:
  - *Does not bother roosting bats in any way*

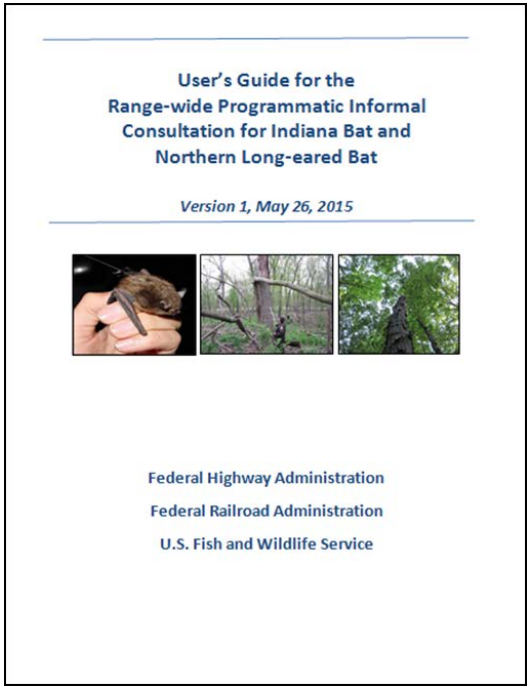
- Other actions, as explained in the Biological Assessment and User's Guide

The User's Guide

Background:

Audience: *Transportation agencies and FWS field offices*

Purpose: *Assist in the implementation of the programmatic consultation*



http://www.fws.gov/midwest/endangered/section7/fhwa/index.html

Overview:

- *Summary of key effects analysis decisions*
- *Overview of avoidance and minimization measures listed in the biological assessment*
- *Standard operating procedures (SOPs) for project submission and tracking*

The User's Guide

Section 1:

- *Provides background on the range-wide programmatic information consultation*
- *Introduces purpose of the User's Guide*

- *Summarizes content of the User's Guide*

- *Explains the range of the bat species and the scope of the programmatic consultation*

The User's Guide

Section 2 – Effects Analysis Summary:

Explains types of activities considered under programmatic consultation and actions required for each

- "No effect" – Transportation agencies documents "no effect" on the project submittal form for their files
- "May affect, not likely to adversely affect with/without AMMs" – Transportation agencies coordinate with FWS using the project submittal form
- "May affect, not fully analyzed" – Transportation agencies consult separately with the appropriate field office

Explains when additional coordination between transportation agencies and FWS field offices is necessary

The User's Guide

Section 3 – SOP for Site-Specific Project Submission:

Process for Transportation Agencies

- Steps to follow to submit information through IPaC (***IPaC*** is a project planning tool which streamlines the US FWS environmental review process)
- Steps to follow to determine adherence to scope and send project submittal form to FWS field offices

Process for Lead FWS Field Offices

- Steps to update activity information in ECOS-TAILS upon receipt of project submittal form
- Steps for entering additional site-specific information and "position/associate" projects in the appropriate Programmatic Bundle.

The User's Guide

Appendix A:

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- Transportation agencies can use project submittal form for eligible projects
  - Do not need to submit a form for projects determined by the transportation agency to have "no effect"
  - Must submit information to the appropriate FWS field office for any "may affect, not likely to adversely affect" (NLTAA) project, prior to project commencement
- Transportation agencies and field offices must document any site-specific AMMs used to employ the programmatic informal consultation
- FWS field offices ***have 14 calendar days*** after receipt of project submittal form to review the site-specific information provided and request additional information if necessary
- After completing the project submittal form, transportation agencies should follow their normal processes for consulting on other species as applicable

Next Steps

Your Project and Future Listings?

- Consult with state and US FWS for potentially listed species for within your project area during scoping
- Consider potentially listed species during the environmental process

User's Guide

- Available now
- Transportation agencies may use project submittal form to submit to US FWS information for all "Not Likely to Adversely Affect" projects

Formal Component of the Programmatic Consultation

- Share outline with US FWS field offices
- Collect data on projected activities
- To be completed within one year

Case Study: ILLINOIS

Background:

- 284 Miles of improvements on the existing corridor
- Awarded ARRA funds in 2009 with a project completion in 2017
- Presence of habitat for both the Indiana Bat and the Northern Long-Eared Bat
- Potential loss of habitat from tree clearing because of:
  - Improved or new sidings
  - At-grade crossing improvements
  - Bridge and culvert improvements

Case Study: ILLINOIS

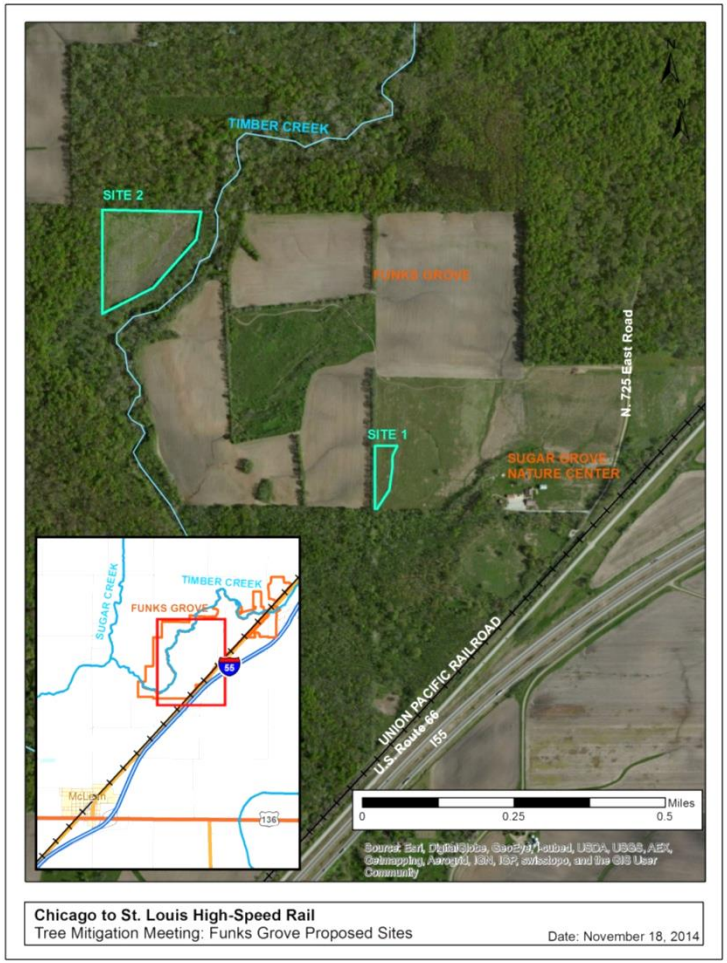
- ***Coordination:***

- Identification of potentially suitable habitat
- Early coordination with FWS and the Illinois Department of Natural Resources (IDNR) including:
  - Tree mitigation options (replacement ratio and type of tree)
  - Number/location of mitigation sites (in or adjoining conservation areas)
  - Monitoring of mitigation sites
  - Quantification of potential impacts prior to construction
- Cross-coordination between FWS districts

Quality of Bat Habitat where the Potential Roost Habitat is Found	Conditions	Proposed Tree Mitigation Ratio
High Quality	Along Riparian Corridors, Densely Forested Areas	2:1 Container Stock except 3:1 when replacement Potential Roost Habitats are outside the watershed where the impact occurs
Moderate Quality	Group or Row of Trees (10 or More) Within 500 feet of a Forested or Riparian Area	50%-1:1 Container Stock 50%-1:1 Bare-Rooted Seedling except 2:1 Container Stock when replacement Potential Roost Habitats are outside the watershed where the impact occurs
Low Quality	<10 Trees, Hedgerows Trees along row Crop Fields or in Urban Area Greater than 500 Feet of a Forested or Riparian Area	1:3 Bare-Rooted Seedling

Case Study: ILLINOIS

- ***Outcomes:***
- Funks Grove Cemetery Association
  - Existing Sugar Grove Nature Center
    - 7 miles of trails
  - Timber Creek
    - Illinois Natural Area Inventory Resource
  - 2 sites
  - 10 acres of tree planting
  - Tree planting, Fall 2015
  - Trees will also support bird species
    - *American Sycamore*
    - *Bitternut Hickory*
    - *Bur Oak*
    - *Chinkapin Oak*
    - *Ironwood American Hop Horn Beam*
    - *Mockernut Hickory*
    - *Northern Red Oak*
    - *Shellbark Hickory*
    - *Shagbark Hickory*
    - *Shingle Oak*
    - *Swamp White Oak*
    - *White Oak*



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