

National Environmental Policy Act (NEPA) Natural Resources Training



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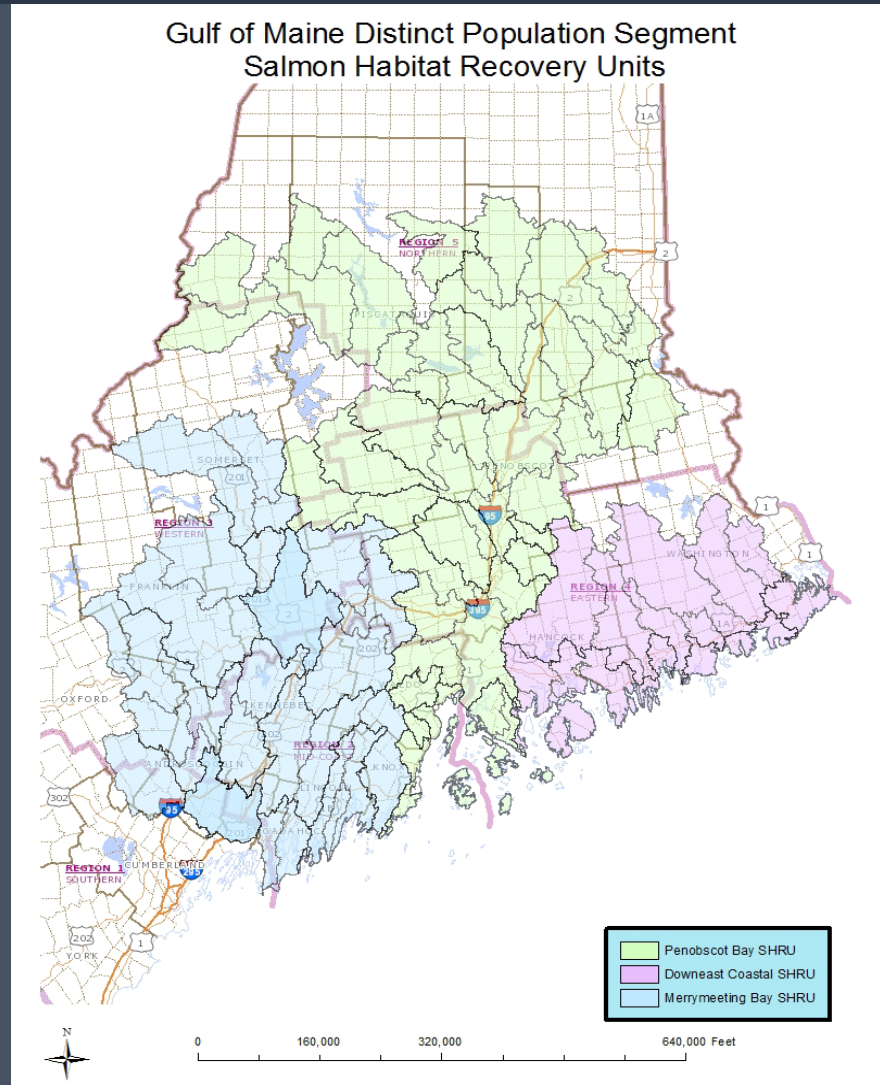
Outline

- Project Screening
- Field Work
- Compliance with laws and regulations
- Project requirements
- Contract requirements

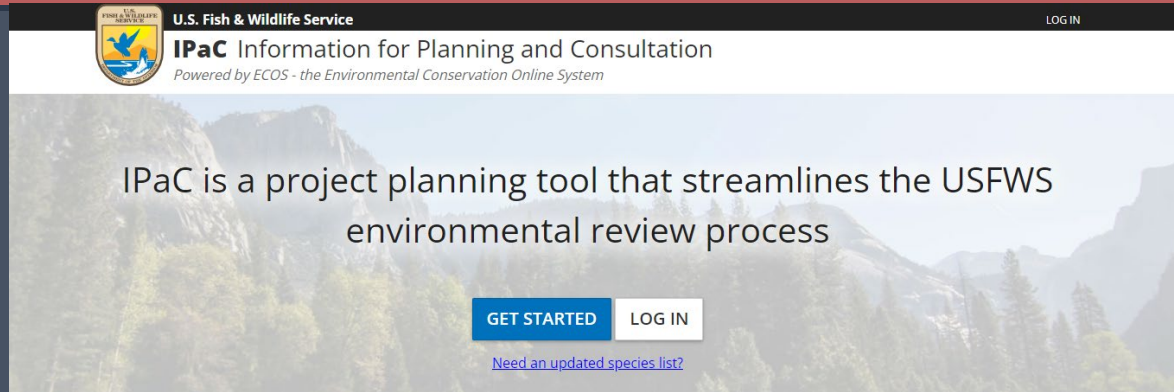
Project Screening

- Screening = comparing the project location to known mapped natural resources.
- Completed by Natural Resources Division
- When
 - some screening occurs when projects are candidate projects. This is the help make sure projects are have proper budget and time for significant concerns.
 - Some automated, some not
 - Most screening and documentations occurs when projects are kicked off.

Range of Endangered Atlantic Salmon in Maine



Tools



U.S. Fish & Wildlife Service LOG IN

IPaC Information for Planning and Consultation
Powered by ECOS - the Environmental Conservation Online System

IPaC is a project planning tool that streamlines the USFWS environmental review process

[GET STARTED](#) [LOG IN](#)

[Need an updated species list?](#)



 **NOAA FISHERIES** | Greater Atlantic Region 

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Welcome to the **ESA Section 7 Mapper** *version 2.0*

The NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) Protected Resources Division is providing this mapping application to aid Federal action agencies in their section 7 consultation responsibilities under the Endangered Species Act (ESA). Using these data layers, action agencies can better determine whether the activities they plan to authorize, fund, or carry out may affect ESA-listed species or designated critical habitat within the Greater Atlantic Region.



*To get started, click the **More Information** icon in the upper right to learn how to use this application.*



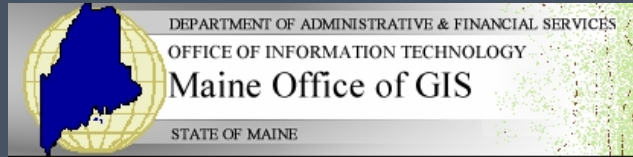
NOAA FISHERIES
National Oceanic and Atmospheric Administration

Tools



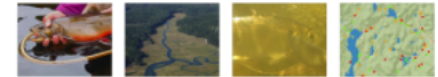
**BEGINNING
WITH HABITAT**

The Beginning with Habitat (BwH) MapViewer is an on-line adaptation of BwH's extensive collection of natural resource information provided by state, federal, and non-profit conservation partners. This information can help land-use decision makers balance growth and management goals with conservation of Maine's fish and wildlife and natural places. Data are organized into three sections that can be used together to: 1) find your project area (Locator Information), 2) identify mapped natural resources such as rare plants and animals (Important Natural Resources and Habitats), and 3) identify how your project fits into the surrounding conservation landscape. More information on each section is below:



Maine Stream Habitat Viewer

Welcome **Layers** Adv Search Identify



Maine Stream Habitat Viewer

The Stream Habitat Viewer helps bring people together to cooperatively restore and conserve fish and wildlife habitats important to Maine's economy, ecology and way of life.

For More Information and Training:

How To - How to use the viewer and Frequently Asked Questions.

About Barriers - Read more about how barriers affect fish and wildlife.

Training Opportunities - For Stream-Smart road crossings, crossing surveys and for using the Stream Habitat Viewer.

Contacts - To find out more about the Viewer, data layers, and species specific information.

Convened by the Maine Coastal Program, the Maine Stream Connectivity Work Group is a partnership of state, federal, industry and non-government organizations working cooperatively to improve Maine's stream restoration efforts.

See our list of [Partners](#)

Results

- Screening results documented in ProjEx and document files
- Some items are reviewed and finalized.
- Others are noted and left open until enough information is available to complete regulatory processes.

Field Work

- Resource assessment (also called field work) is completed by natural resources staff or consultants when needed.
- The goal is to have initial field work completed within 90 days of project kick off.

Resource assessments will be completed for most scopes automatically. Some scopes (i.e. bridge resurfacing or pavement overlay projects) will be completed upon request

What is collected

- Freshwater wetlands, coastal wetlands
- Streams
- Rare Plants
- Vernal pools
- Fish habitat
- Bird nesting habitat

- Sometimes additional visits are needed

Results

- Results of any mapping are processed into a microstation file that is stored as wetlands.dgn so it properly referenced.
- Other collected data is stored in the ENV project folder and documented in ProjEx as needed

Streams

- Identification of streams, the bankfull width (BFW) and their boundaries is very important
- Determine crossing structure size

Vernal Pools

- Not common occurrences
- Can only be determined as significant during spring of the year
- Potential substantial project effects

Resource Mapping

- The natural resources that are within project boundaries are transferred on to a plan for the project team to use during design and for permitting

Federal Endangered Species Act

- Requires a federal Nexus
- [Endangered Species Act \(fws.gov\)](https://www.fws.gov)
- Requires other federal agencies to consult with USFWS or NOAA on potential effects to endangered species and critical habitats
- Requires federal agencies to use their power to aid in the recovery of endangered species or critical habitat

Endangered Species in Maine

- Atlantic salmon
- Canada Lynx
- Northern Long Eared Bat
- Roseate Terns, Red Knot
- And others

Atlantic salmon

- Common to have projects within the range of the listed species.
- Maine Atlantic Salmon Programmatic Agreement allows for predictability in the consultation process

Marine Mammal Protection Act

- [Marine Mammal Protection Act | NOAA Fisheries](#)
- Projects should avoid and minimize effects to marine mammals
- Projects can not result in the harassment of marine mammals without completing the consultation process

Essential Fish Habitat (EFH)

- [Essential Fish Habitat | NOAA Fisheries](#)
- EFH includes Atlantic salmon habitat, coastal species, and other prey species
- Atlantic salmon EFH in major rivers and tributaries
- Coastal species occur in most tidal settings in Maine
 - ▣ Winter flounder and Atlantic cod relatively wide spread
- Atlantic salmon and Atlantic cod Habitat Areas of Particular Concern (HAPC)

Essential Fish Habitat (EFH)

- Assessment includes fish habitat and project information
- NOAA responds with conservation recommendations (CRs) within 30 days of submittal.
- MaineDOT needs to acknowledge the acceptance of the CRs or provide reasons that they can't be implemented.

Other Fish Regulations

- [FishandWildlifeCoordinationAct.pdf \(noaa.gov\)](#)
- [Anadromous Fish Conservation Act – Natural Resources Law \(uslegal.com\)](#)
- These are coordinated during EFH consultation or ACOE permitting

Bald and Golden Eagle Protection Act

- [U.S. Fish & Wildlife Service - Migratory Bird Program | Conserving America's Birds \(fws.gov\)](#)
- No longer listed as endangered, but still have certain protections.
- Prohibits disturbance during the nesting season (March 15-August 31)

Migratory Bird Treaty Act (MBTA)

- U.S. Fish & Wildlife Service - Migratory Bird Program | Conserving America's Birds (fws.gov)
- Prohibits taking any birds during nesting activities.
 - Vast majority of birds in Maine are migratory birds

State of Maine Endangered Species Act

- Same take prohibitions as the federal act
- Different list of species
 - New England Cottontail
 - Peregrine Falcon
 - Endangered & Threatened Species: Wildlife: Fish & Wildlife: Maine Dept of Inland Fisheries and Wildlife

Integration into a project

- Project biologist makes recommendations for changes in the design of project.
- Recommendations are made with results of field work initially
- These recommendations come from
 - ▣ professional judgement/understanding the regulations
 - ▣ Sometimes they come from official processes with regulatory agencies

Contract Requirements

- Requirements result in special provisions (Mostly the SP 105) that are enforced during the project
 - In water work windows
 - Pile driving restrictions
 - Work around eagle's nest
 - Streambed provisions