NEW 2022 Programmatic Biological Assessment (PBA)

Photo Credit: Sheila Crosby

What is the NEW PBA?

- Agreement with NOAA/USFWS/FWHA/CORPS to Streamline ESA Section 7 Consultation for Common Maintenance Project Actions on Idaho's Interstates, Highways, and Local Roads. Per our MOA, the review time is reduced to 30 days or less for conferencing, and both informal and formal consultation.
- Eliminates need for full Biological Assessment for certain project actions, by: (1) describing project actions (2) analyzing effects of those actions (3) making effects determinations for those actions (4) defining conservation measures to avoid/minimize impacts to species (5) provides all necessary documentation required by ESA, Section 7.
- Not just for bridge projects, mainly used for ITD maintenance projects (e.g., roadway and bridge maintenance and construction, bank stabilization, geotechnical drilling, ditch cleaning, and culvert installation).
- PBA finalized in January 2022, USFWS BO and NOAA Fisheries/NMFS BO issued in February 2022.
- The 2022 PBA became effective immediately once both BOs were issued and will remain in effect for 10 years.

What's Changed?

- Expanded PBA use to include LHTAC
- Added New Project Actions
- Rewrite of Existing Actions/Updated All Drawings
- Regulation Changes -Removal/Addition of Listed Species
- Rewrite of Effects Analysis/Changes to Determinations
- Added New Maps to Reflect Latest Scientific Data
- New/Revised Best Management Practices (BMPs), Including New Format
- New "Smart" Pre-Notification and Post Construction Forms with Fillable Fields (No longer need to Cut and Paste Descriptions with Submittals)
- Additional Resources in the Appendices
- Proposed Bridge with Pier in the Water Project Action NOT included with the 2022 PBA – Due to complexity and unavailable resources.

Expanded Use of the PBA by LHTAC

- Species Effects Analysis completed with new maps that including the entire local road network to accommodate use by LHTAC.
- Estimated potential to increase PBA use by 10 projects per year (Both USFWS and NMFS)
- ITD responsible for LHTAC PBA reviews (Same as LHTAC Biological Assessments)

New Project Actions

Project Actions (Check all that apply.)

2.1 Roadway Maintenance Items (Surface Treatments)
- ☐ Chip Seal or Emlusified Asphalt Application (Prime, Tack or Fog Coat)
- ☐ Plant Mix Overlay
- ☐ Cement Recycled Asphalt Base Stabilization (CRABS)
- ☐ Cold In-Place Recycling (CIR)
- ☐ Pavement Markings (Waterborne Paint or Preformed Thermoplastic Retroreflective Pavement Markings)

2.2 Bridge Maintenance Actions ABOVE the Ordinary High-Water Mark (NO In-Water Work)
- ☐ Bridge Deck Hydro-Demolition
- ☐ Patch and Repair Concrete
- ☐ Concrete Overlay (Silica Fume, Latex Mod., or Polyester Polymer)
- ☐ Concrete Waterproofing Systems Membrane (Type C, D and E)
- ☐ Epoxy and Chip Seal Overlay
- ☐ Removing and Replacing Bridge Expansion Joints and/or Bridge Joint Header
- ☐ Cleaning Bearing Seats and/or Replacing Bearing Pads at Abutments
- ☐ Carbon Fiber Reinforced Polymer (CFRP) System
- ☐ Painting Structural Steel
- ☐ Bridge Embankment Restoration

2.3 Pile Preservation
- ☐ Pile Wrap with Casing System
- ☐ Fiberglass Reinforced Plastic (FRP) Jacket System (Epoxy Grout Injection)

2.4 Two-Lane Bridge Construction (300 cy limit below OHWM)
- ☐

2.5 Excavation & Embankment for Roadway Construction (Earthwork)
- ☐

2.6 Rock Scaling
- ☐

2.7 Roadway Widening
- ☐

2.8 Bank Stabilization
- ☐ Rip-rap ☐ Gabion Basket
- ☐ MSE Wall ☐ Bio-Methods Type:

2.9 Ditch Cleaning
- ☐

2.10 Small Structure Repair
- ☐

2.11 Culverts Installation and Maintenance
- ☐ Culvert Extension ☐ Culvert Installation
- ☐ Culvert Maintenance

2.12 Guardrail Installation
- ☐

2.13 Geotechnical Drilling
- ☐

2.14 Pile Installation
- ☐

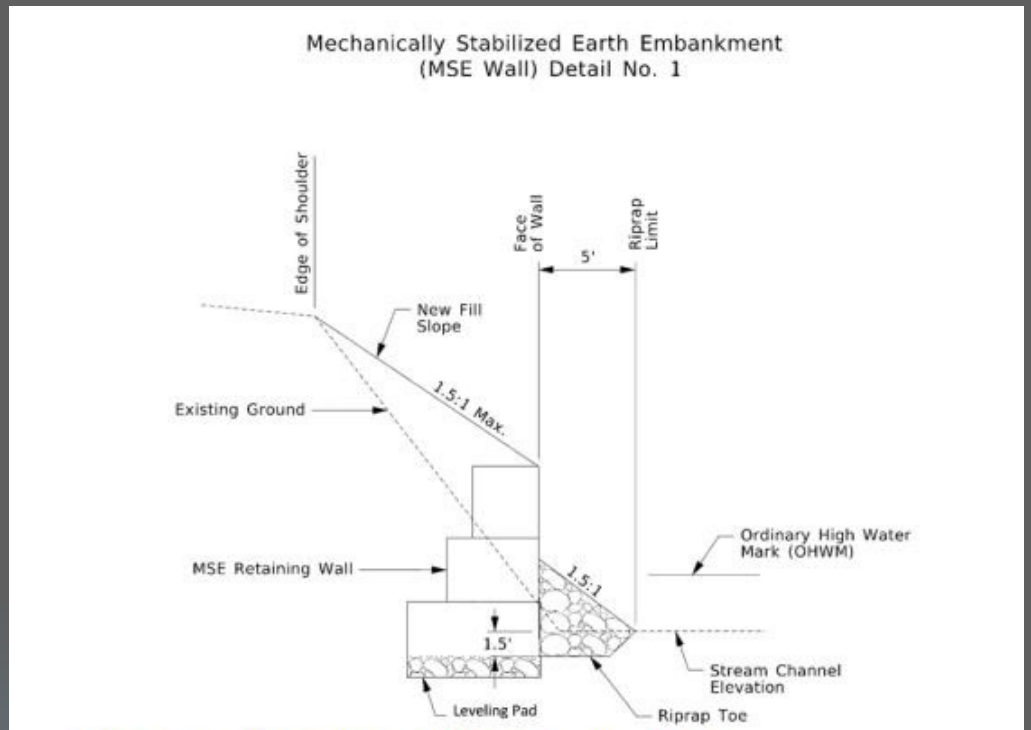


Figure 5. Mechanically Stabilized Earth Embankment – Detail 1.

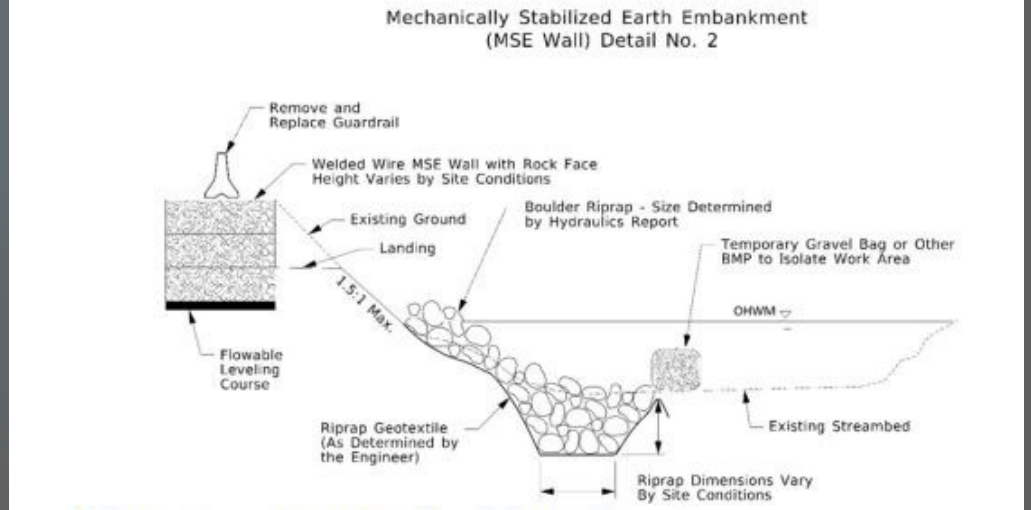


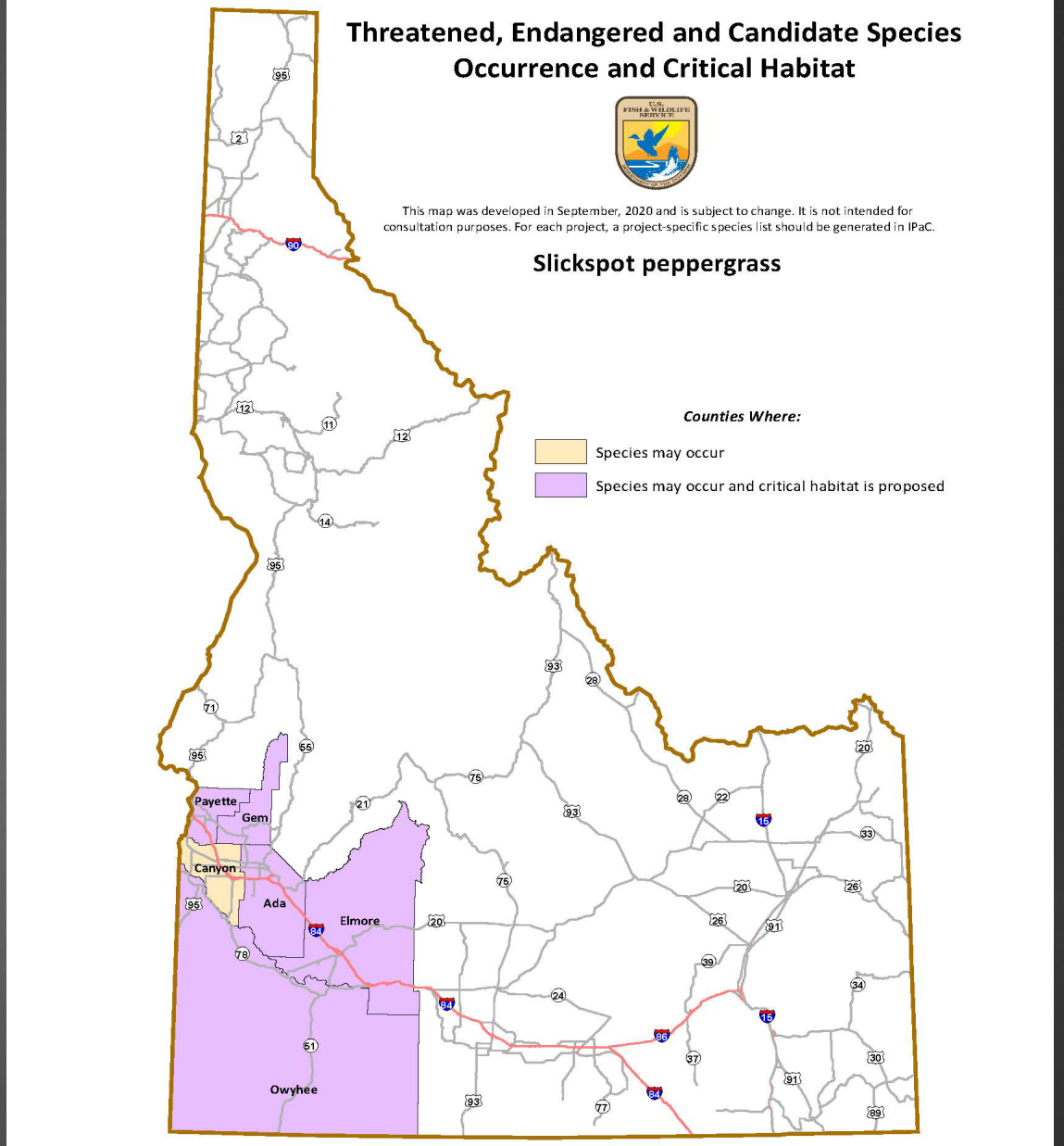
Figure 6. Mechanically Stabilized Earth Embankment – Detail 2.

Revised Project Actions and Drawings

- Revised to match 2020 Standard Specifications
- Revised drawings to better reflect current construction practices
- Revised to "present tense" language

New Maps Based on the Latest Scientific Data


Photo Credit: Boise State Public Radio



Revised Effects Analysis and Determinations

- Re-write was requested by USFWS to increase defensibility and consistency with the BO format
- All new species Occurrence Maps to reflect latest information

New Effect Determinations

Table 1. Species and critical habitat list for Idaho, overall effects determination for PBA actions, and effects determination by project action.

Species	Listing Status	Critical Habitat Status	Overall Effects Determination: Species/Critical Habitat	Effects Determinations for Project Actions	
				NLAA Projects (for these projects, species or critical habitat are unlikely to be present; if present, BMPs will ensure that effects are insignificant or discountable)	LAA Projects (for these projects, species or critical habitat are likely to be present; BMPs will minimize but not eliminate significant effects)
Bull trout *Salvelinus confluentus*	Threatened	Designated	LAA/LAA	2.1 Roadway Maintenance Actions (Surface Treatments) - no in-water work 2.2 Bridge Maintenance Actions ABOVE the Ordinary High-Water Mark - no in-water work 2.3 Pile Preservation (in-water work) - unoccupied habitat 2.4 Two-Lane Bridge Construction - upland or seasonal stream/unoccupied habitat 2.5 Excavation and Embankment for Roadway Construction (Earthwork) - upland 2.6 Rock Scaling – no in-water work 2.7. Roadway Widening - upland 2.8 Bank Stabilization - seasonal stream/unoccupied habitat 2.9 Ditch Cleaning 2.10 Small Structure Repair - seasonal stream/unoccupied habitat	2.3 Pile Preservation - occupied habitat 2.4 Two-Lane Bridge Construction - in-water work, occupied or critical habitat 2.5 Excavation and Embankment for Roadway Construction (Earthwork) - in or adjacent to occupied or critical habitat 2.7 Roadway Widening - in or adjacent to occupied or critical habitat 2.8 Bank Stabilization – in occupied or critical habitat 2.10 Small Structure Repair -in occupied or critical habitat 2.11 Culvert Installation and Maintenance – in occupied or critical habitat 2.13 Geotechnical Drilling – in occupied or critical habitat 2.14 Pile Installation – in occupied or critical habitat

New Effect Determinations

Species	Listing Status	Critical Habitat Status	Overall Effects Determination: Species/Critical Habitat	Effects Determinations for Project Actions	
				NLAA Projects (for these projects, species or critical habitat are unlikely to be present; if present, BMPs will ensure that effects are insignificant or discountable)	LAA Projects (for these projects, species or critical habitat are likely to be present; BMPs will minimize but not eliminate significant effects)
				2.11 Culvert Installation and Maintenance – seasonal stream/unoccupied habitat 2.12 Guardrail Installation 2.13 Geotechnical Drilling – upland or seasonal stream/unoccupied habitat 2.14 Pile Installation – upland or seasonal stream/unoccupied habitat	
Fall Chinook salmon *Oncorhynchus tshawytscha*	Threatened	Designated	LAA/LAA	Same as bull trout	Same as bull trout
Spring/Summer Chinook salmon *Oncorhynchus tshawytscha*	Threatened	Designated	LAA/LAA	Same as bull trout	Same as bull trout
Sockeye salmon *Oncorhynchus nerka*	Endangered	Designated	LAA/LAA	Same as bull trout	Same as bull trout
Steelhead *Oncorhynchus mykiss*	Threatened	Designated	LAA/LAA	Same as bull trout	Same as bull trout
Kootenai River white sturgeon *Acipenser transmontanus*	Endangered	Designated	NLAA/NLAA	All Project Actions	N/A
Snake River physa snail *Haitia (Physa) natricina*	Endangered	N/A*	LAA	Same as bull rout	Same as bull trout
Bliss Rapids snail *Taylorconcha serpenticola*	Threatened	N/A	LAA	Same as bull trout	Same as bull trout

New Effect Determinations

Species	Listing Status	Critical Habitat Status	Overall Effects Determination: Species/Critical Habitat	Effects Determinations for Project Actions	
				NLAA Projects (for these projects, species or critical habitat are unlikely to be present; if present, BMPs will ensure that effects are insignificant or discountable)	LAA Projects (for these projects, species or critical habitat are likely to be present; BMPs will minimize but not eliminate significant effects)
Banbury Springs lanx *Idaholanx fresti*	Endangered	N/A	NLAA	All Project Actions	N/A
Bruneau hot springsnail *Pyrgulopsis bruneauensis*	Endangered	N/A	NLAA	All Project Actions	N/A
Southern mountain caribou DPS *Rangifer tarandus caribou*	Endangered	Designated	NLAA/NLAA	All Project Actions	N/A
Grizzly bear *Ursus arctos*	Threatened	N/A	NLAA	All Project Actions	N/A
Canada lynx *Lynx canadensis*	Threatened	Designated	NLAA/NE	All Project Actions	N/A
Northern Idaho ground squirrel *Urocitellus brunneus*	Threatened	N/A	LAA	All Project Actions except those identified as LAA.	2.4 Two-Lane Bridge Construction 2.5 Excavation and Embankment for Roadway Construction (Earthwork) (Upland) 2.7. Roadway Widening 2.8 Bank Stabilization – Upland 2.13 Geotechnical Drilling
Yellow-billed cuckoo *Coccyzus americanus*	Threatened	Designated	NLAA/NLAA	2.4 Two-Lane Bridge Construction 2.5 Excavation and Embankment for Roadway Construction (Earthwork)	N/A

New Effect Determinations

Species	Listing Status	Critical Habitat Status	Overall Effects Determination: Species/Critical Habitat	Effects Determinations for Project Actions	
				NLAA Projects (for these projects, species or critical habitat are unlikely to be present; if present, BMPs will ensure that effects are insignificant or discountable)	LAA Projects (for these projects, species or critical habitat are likely to be present; BMPs will minimize but not eliminate significant effects)
				2.7 Roadway Widening 2.8 Bank Stabilization	
Spalding's catchfly *Silene spaldingii*	Threatened	N/A	NLAA	2.4 Two-Lane Bridge Construction 2.5 Excavation and Embankment for Roadway Construction (Earthwork) 2.6 Rock Scaling 2.7 Roadway Widening 2.8 Bank Stabilization	N/A
MacFarlane's four-o'clock *Mirabilis macfarlanei*	Threatened	N/A	NLAA	Same as Spalding's catchfly	N/A
Ute ladies'-tresses *Spiranthes diluvialis*	Threatened	N/A	NLAA	Same as Spalding's catchfly	N/A
Slickspot peppergrass *Lepidium papilliferum*	Threatened	Proposed	NLAA/NLAM*	Same as Spalding's catchfly	N/A
Whitebark pine *Pinus albicaulis*	Proposed	N/A	NLJ*	Same as Spalding's catchfly	N/A
Monarch butterfly *Danaus plexippus plexippus*	Candidate	N/A	NLJ*	Same as Spalding's catchfly	N/A
ESSENTIAL FISH HABITAT					
Chinook salmon	—		LAA	N/A	Same as bull trout

New Effect Determinations

Species	Listing Status	Critical Habitat Status	Overall Effects Determination: Species/Critical Habitat	Effects Determinations for Project Actions	
				NLAA Projects (for these projects, species or critical habitat are unlikely to be present; if present, BMPs will ensure that effects are insignificant or discountable)	LAA Projects (for these projects, species or critical habitat are likely to be present; BMPs will minimize but not eliminate significant effects)
(All anadromous watersheds)					
Coho salmon (*Oncorhynchus kisutch*) (Clearwater River Basin)	—		LAA	N/A	Same as bull trout

Note: Listed species for the State of Idaho are subject to change. If additional species become listed, they may be addressed in an addendum to this PBA.

*NLJ=Not Likely to Jeopardize; NLAM=Not Likely to Adversely Modify

New/Revised BMPs and Format

- Added new BMPs for new project actions
- Revised existing BMPs for more clarification
- Added personnel qualifications and species focused presence/absence survey protocols
- Revised format to reduce redundancy

New/Revised BMPs and Format… cont'd

Appendix D: Best Management Practices for Work *Below* the Ordinary High-Water Mark (OHWM)

The following BMPs are required when working *within* waterways where ESA-listed species or their habitat is present. The BMPs are organized by the following categories:

- General BMPs
- Water Quality/Quantity Treatment
- Work Area Isolation and Fish Handling
- Bridge Demolition
- Pile Installation
- Barges and Boats

General BMPs:

- Work below ordinary high water of a stream or in a wetland will require consultation with the COE, IDWR, and IDEQ at a minimum.
- All work below the OHWM will take place during low flow conditions, unless otherwise infeasible.
- If riprap is required, it will be placed in a manner that will not further constrict the stream channel.
- To minimize in-water noise (e.g., pile cleaning) the Contractor will be required to use the smallest size and lowest impact, hand-held equipment necessary to perform the work.
- When pumping water from local sources for project actions, ensure that (1) NMFS screening criteria are met (NMFS 2011 or the most recent version); (2) redds of listed species and staging or spawning adults will not be disturbed; and (3) pumping maintains 80% or more of average streamflow in affected streams. NMFS approval is required for pumping that exceeds 3 cfs.
- When extending or replacing a culvert in a perennial stream, fish passage will be constructed into the project, if regulatory agencies (USFWS, NMFS and IDFG) deem it appropriate. Fish passage will be designed in accordance with NOAA's publication, "Anadromous Salmonid Passage Facility Design" (2011). Anadromous Salmonid Passage Facility Design (noaa.gov)
- Culvert liners shall not be used in streams with ESA-listed fish species.

Water Quality/Quantity Treatment:

- Identify all contributing and non-contributing impervious areas that are within and contiguous with the project area and explain how runoff from contributing impervious areas will be managed.
- Use permanent stormwater flow control and treatment BMPs to infiltrate, retain, or detain runoff to the maximum extent practicable. Permanent stormwater controls must be sufficient to retain the runoff volume produced from a 24-hour, 95th percentile storm event, or can attain an equal or greater level of water quality

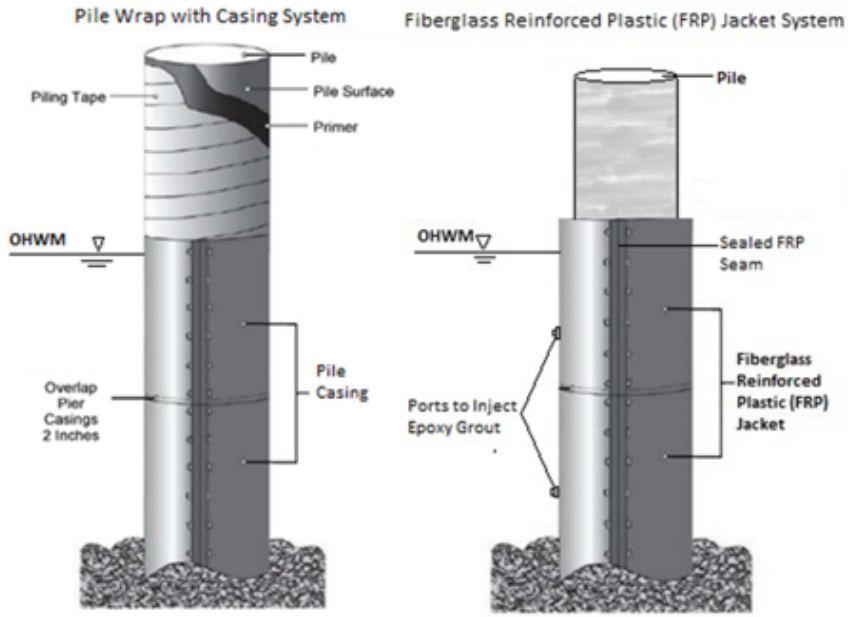


Figure 1. Pile restoration: Pile Wrap with Casing System and Fiberglass Reinforced Plastic (FRP) Jacket System.

Best Management Practices

To minimize the potential for impacts to listed species and their habitats the Contractor will adhere to all BMPs listed in the following appendices:

Appendix A - Best Management Practices Common to All Projects

Appendix D - Best Management Practices for Work *Below* the Ordinary High-Water Mark (OHWM)

Additional Resources Included in the Appendices

- APPENDIX F: INSTREAM WORK WINDOWS FOR SALMON, STEELHEAD, BULL TROUT, AND KOOTENAI RIVER WHITE STURGEON
- APPENDIX G: ACCEPTABLE STREAMBANK STABILIZATION TECHNIQUES (ODOT FAHP USER'S GUIDE (V2 OCTOBER 2013))

Appendix F: Instream Work Windows for Salmon, Steelhead, Bull Trout, and Kootenai River White Sturgeon

Instream work windows for salmon and steelhead in streams in the Salmon River basin, upstream from the Middle Fork Salmon River. (The abbreviation "q" will be used in the following summary of work windows to indicate "quarter". For example: "q2" will be used for Quarter 2. Quarters roughly coincide with weeks.)

River Reach or Tributary	Preferred Work Window
Main Salmon River tributaries - Middle Fork to North Fork	July q2 - August q2
Camas Creek	July q3
Panther Creek	July q3 - August q2
North Fork Salmon River	July q2 - August q2
Main Salmon River - Horse Creek to the Pahsimeroi River	July q2 - March q2
Main Salmon River Tributaries-Horse Cr. to Pahsimeroi River	July q1 - August q2
Lemhi River -) Mouth to Agency Creek	July q2 - March q2
Lemhi River - Agency Creek to Hayden Creek	July q2 – August q3
Hayden Creek (Lemhi River Drainage)	July q1 - August q2
Lemhi River - Hayden Creek to Leadore	July q1 - August q3
Big Springs Creek (Lemhi River Drainage)	July q1 - August q3
Main Salmon River - Pahsimeroi River to Valley Creek	July q2 - August q3
Main Salmon River Tributaries - Pahsimeroi River to Valley Cr.	July q2 - August q2
Pahsimeroi River – Mouth to Hooper Lane	July q1 – August q3
Big Spring Creek (Pahsimeroi River Drainage)	July q2 - August q3
Challis Creek (Mouth to Public Land Boundary)	July q2 - March q2
East Fork Salmon River – Mouth to Herd Creek	July q2 – August q3
Herd Creek (East Fork Salmon River Drainage)	July q2 – August q2
East Fork Salmon River - Herd Creek to Germania Creek	July q2 - August q2
East Fork Salmon River- Germania Creek to Headwaters	July q2 - July q3
Yankee Fork River	July q2 – August q2
Main Salmon River - Valley Creek to Headwaters	July q2 – August q2
Valley Creek	July q2 – August q2

From: USBWP (Upper Salmon Basin Watershed Project Technical Team). 2005. Upper Salmon River Recommended Instream Work Windows and Fish Periodicity. For River Reaches and Tributaries Above the Middle Fork Salmon River Including the Middle Fork Salmon River

Instream Work Windows (Determined by USFWS and NMFS)

Streambank Stabilization Techniques

Appendix G: Acceptable Streambank Stabilization Techniques (ODOT FAHP User's Guide (V2 October 2013)

Techniques	Description	Application
FLOW REDIRECTION:		
Engineered Log Jams	Log jams are a collection of large woody debris that redirect flow and provide stability to a streambank.	• Best applied on long, uniform bends in alluvial channels. Alluvial channels have erodible boundaries and are free to adjust dimensions, shape, pattern and gradient in response to change inslope, sediment supply or discharge. • Appropriate when the mechanism of failure is toe erosion. • Appropriate when the mechanism of failure is scour. Should be placed upstream from the scour to redirect flow away. • Not recommended in areas where high risk of failure is unacceptable.
Partially Spanning Porous Weir	Partially spanning porous weirs are loosely arranged boulders used to protect streambanks by redirecting the flow away from the bank and toward the center of the channel.	• Best applied in gravel and cobble bed streams with slopes less than three percent.
STRUCTURAL:		
Vegetated riprap with large woody debris	It is the combination of bank armoring using rock, filling the voids in the riprap with soil and planting seed, plant cuttings or rooted plants, and installing large woody debris. (see design examples below).	• Best applied in areas where a high risk of failure is unacceptable.
Log toe	Log toes are erosion prevention features placed along the toe of a streambank. Log toes can be implemented either as a stand-alone technique or as the toe element for other streambank techniques.	• New technique with limited use and may only want to use in areas where there is less risk to infrastructure. • Not recommended in areas where high risk of failure is unacceptable.
Roughened rock toe	Roughened rock toes are erosion prevention features placed along the toe of a streambank. These features are designed with angular components which provide greater roughness. Large woody debris could be used to add additional roughness.	• Best for toe erosion and permanent foundation for upper bank treatments.

New "Smart" Forms with Fillable Fields

ITD 0289 Rev. 06-21

Programmatic Biological Assessment (PBA)
Project Pre-notification

Project Information

Key No.:	Project Name:	County:	Route:	Lead Agency Choose Agency	MP:	MP:
4th Code HUC Number:	**Project Sponsor** ITD : Choose District LHTAC: Choose District	Anticpated Start/End Dates: Start Choose Date End: Choose Date	Location: Latitude: Longitude:	ITD Project Manager:	Funding: ☐ Federal ☐ State	Completed By:

Project Actions (Check all that apply.)

2.1 Roadway Maintenance Items (Surface Treatments)
- ☐ Chip Seal and Emulsified Asphalt Application (Prime, Tack or Fog Coat)
- ☐ Plant Mix Overlay
- ☐ Cement Recycled Asphalt Base Stabilization (CRABS)
- ☐ Cold In-Place Recycling (CIR)
- ☐ Pavement Markings (Waterborne Paint or Preformed Thermoplastic Retroreflective Pavement Markings)

2.2 Bridge Maintenance Actions ABOVE the Ordinary High-Water Mark (NO In-Water Work)
- ☐ Bridge Deck Hydro-Demolition
- ☐ Patch and Repair Concrete
- ☐ Concrete Overlay (Silica Fume, Latex Mod., or Polyester Polymer)
- ☐ Concrete Waterproofing Systems Membrane (Type C, D and E)
- ☐ Epoxy and Chip Seal Overlay
- ☐ Removing and Replacing Bridge Expansion Joints and/or Bridge Joint Header
- ☐ Cleaning Bearing Seats and/or Replacing Bearing Pads at Abutments
- ☐ Carbon Fiber Reinforced Polymer (CFRP) System
- ☐ Painting Structural Steel
- ☐ Bridge Embankment Restoration

2.3 Pile Preservation
- ☐ Pile Wrap with Casing System
- ☐ Fiberglass Reinforced Plastic (FRP) Jacket System (Epoxy Grout Injection)

2.4 Two-Lane Bridge Construction (300 cy limit below OHWM)
- ☐

2.5 Excavation & Embankment for Roadway Construction (Earthwork)
- ☐

2.6 Rock Scaling
- ☐

2.7 Roadway Widening
- ☐

2.8 Bank Stabilization
- ☐ Rip-rap ☐ Gabion Basket
- ☐ MSE Wall ☐ Bio-Method Type:

2.9 Ditch Cleaning
- ☐

2.10 Small Structure Repair
- ☐

2.11 Culverts Installation and Maintenance
- ☐ Culvert Extension ☐ Culvert Installation
- ☐ Culvert Maintenance

2.12 Guardrail Installation
- ☐

2.13 Geotechnical Drilling
- ☐

2.14 Pile Installation
- ☐

Project Details

ESA Listed Species/Critical Habitat Potentially Affected Choose a species	**Possibility of Take:** ☐ Yes ☐ No
ESA Listed Species/Critical Habitat Not Affected (No Effect) Choose a species	**Reason for No Effect** Choose a reason
Were Hydraulic, Geomorphic Site, or Scour Assessments Conducted to select the most appropriate Bank Stabilization Method?	☐ Yes ☐ No ☐ n/a If No, Provide Reason:
Will dewatering occur?	☐ Yes ☐ No ☐ n/a If Yes, Provide Details:
Anticipated work window to avoid potential fish impacts: (As suggested by USFWS, NMFS or IDFG)	**Start Date:** Click or tap to enter a date. **End Date:** Click or tap to enter a date.
Is turbidity monitoring rquired? (Required for all actions immediately adjacent to, over or in waterways, unless work is done during dry conditions.)	☐ Yes ☐ No
Will fish be handled? (Applicable to in water work actions: 2.3, 2.4, 2.8, 2.10, 2.11 and 2.14)	☐ Yes ☐ No
Is a species survey required prior to construction?	☐ Yes ☐ No If Yes, Choose a species
Are minor deviations in work or construction methods proposed not described in this PBA?	☐ Yes ☐ No If Yes, Explain:
Signature: ITD District Engineer, Engineering Manager, Operations Engineer or Resident Engineer (Digital Signature or Stamp Required)	

Project Details

ESA Listed Species/Critical Habitat Potentially Affected Choose a species	**Possibility of Take:** ☐ Yes ☐ No
ESA Listed Species/Critical Habitat Not Affected (No Effect) Choose a species	**Reason for No Effect** Choose a reason
Were Hydraulic, Geomorphic Site, or Scour Assessments Conducted to select the most appropriate Bank Stabilization Method?	☐ Yes ☐ No ☐ n/a If No, Provide Reason:
Will dewatering occur?	☐ Yes ☐ No ☐ n/a If Yes, Provide Details:
Anticipated work window to avoid potential fish impacts: (As suggested by USFWS, NMFS or IDFG)	**Start Date:** Click or tap to enter a date. **End Date:** Click or tap to enter a date.
Is turbidity monitoring rquired? (Required for all actions immediately adjacent to, over or in waterways, unless work is done during dry conditions.)	☐ Yes ☐ No
Will fish be handled? (Applicable to in water work actions: 2.3, 2.4, 2.8, 2.10, 2.11 and 2.14)	☐ Yes ☐ No
Is a species survey required prior to construction?	☐ Yes ☐ No If Yes, Choose a species
Are minor deviations in work or construction methods proposed not described in this PBA?	☐ Yes ☐ No If Yes, Explain:
Signature: ITD District Engineer, Engineering Manager, Operations Engineer or Resident Engineer (Digital Signature or Stamp Required)	

Appendix A BMP Commitment	Responsible Parties	Project Phase for Implementation	Post Construction Documentation Required	Relevant Links
General BMPs				
If adverse effects are unavoidable for those species with NLAA determinations, the action is not covered under the PBA and formal Section 7 consultation will be required.	ITD/LHTAC	Scoping/Preliminary Design	No	
When activities take place in suitable habitat, species surveys will be conducted by a qualified biologist/botanist. Surveys will be conducted as described in the "Determination of Effects" section of the PBA for reach respective species or as otherwise described in this Appendix. For Monarch butterfly, surveys for milkweed and flowering nectar sources will be conducted. Surveys will include staging areas, material sources and waste sites.	ITD/LHTAC/Contractor	Preliminary Design/Final Design/Construction	No	
To ensure BMPs are being implemented as described, a biologist/botanist will be onsite during project activities that have the potential to adversely affect listed species or their habitats. Activities that have the potential to adversely affect listed species will be determined by ITD/LHTAC environmental staff prior to construction.	ITD/LHTAC/Contractor	Construction/Post Construction	No	
Occurrences or suitable habitat locations within the project's limits will be documented on the project Pre-notification Form. If surveys are conducted after contract has been awarded, but prior to construction, occurrences or suitable habitat will be documented on the Construction Monitoring Form.	ITD/LHTAC/Contractor	Preliminary Design/Final Design/Construction/Post Construction	Yes	
Areas with known listed plants or suitable habitat will be marked on the ground with stakes and flagging to ensure these areas are avoided for equipment staging and project activities.	ITD/LHTAC/Contractor	Construction	No	
Grizzly Bear				
Where possible, identify and implement opportunities to accommodate grizzly bear connectivity on all projects, including when installing new culverts or constructing new bridges.	ITD/LHTAC	Scoping/Preliminary Design	No	
Document known resident and transient grizzly bears on the project Pre-notification Form.	ITD/LHTAC	Preliminary Design/Final Design	No	
Food, garbage, carcasses, and other attractants must be stored in bear-resistant containers or removed from the project area daily.	Contractor	Construction	No	
For all projects that occur within or adjacent to U.S. Forest Service administered lands, discuss with the Forest Service appropriate conservation measure to minimize impacts to grizzly bears during project construction activities.	ITD/LHTAC	Preliminary Design/Final Design	No	
All work will be conducted during daylight hours only.	Contractor	Construction	No	
Limit number of trips by vehicle in grizzly bear habitat to only what is necessary to complete work.	Contractor	Construction	No	
Communicate with USFWS/IDFG or adjacent landowners of grizzly bear activity	ITD/LHTAC/Contractor	Construction	No	

BMP Tool

Appendix A-Common BMPs | Appendix B-Ground Disturbance | Appendix C-Above OHWM | Appendix D-Below OHWM | USFWS Terms & Conditions | NMFS Terms & Conditions | All Commitments | Authorized Take by Species

PBA Use and No Effect Determinations

- NOAA/NMFS Definition of a No Effect:
  - *"No effect means there will be no consequences to listed species or critical habitat that result from the proposed action, including the consequences of any activities that would not occur but for the proposed action."*
  - No listed species or critical habitat occur anywhere, or at any time, in the action area (i.e., not just within the immediate project footprint but also outside the immediate area involved in the action).
  - The listed species occur in the action area seasonally, but the action will be timed to avoid the presence of listed species and there will be no effect to those species or their critical habitat once they return to the area (e.g., an activity will not have an effect on the forage base or spawning habitat of a species so that species may use the areas when they return to the area).
  - The listed species occur in the action area and may be present at the time of the project, but there are no plausible routes of effects to the species. Critical habitat is also in the action area, but there are no plausible routes of effects to critical habitat.
- Use the most current species data from all available resources.
- You can still use the PBA if some species result in no effect determinations, with reasonable data supporting that determination.

FAQs – Already Answered

Can be used on both state and federally funded projects

Monarch Language: Therefore, the district determined that the project's action will have ***no effect*** to the Monarch butterfly. Additionally, the project's actions are ***not likely to jeopardize the continued existence*** of the Monarch butterfly

Page citations for project actions are now included in the PBA Pre-notification 289 form, there is no need to copy and paste project actions into the Pre-notification form

Turbidity monitoring is required for all project actions immediately adjacent to, over or in waterways, that the potential to release contaminants (sediment, debris, or chemicals) into the waterway.

The term "conferencing" is specific to coordination activities for Proposed and Candidate species. FHWA and ITD agreed to conference on all Proposed and Candidate species rather than allowing every district to decide when and if they want to conference.

Photo Credit: IDFG

In Conclusion…

Please make sure:

- You comply with all the Best Management Practices and pertinent Terms and Conditions from both BOs
- Communicate *early and often* with design and bridge teams to ensure that the design can meet the **ALL** conditions in the PBA. This may include adjusting the design to accommodate PBA requirements.
- Engage with HQ SME (and/or agencies) *early* to determine if project actions are covered under the PBA
- Ensure that the construction schedule is in accordance with any restrictions (e.g., in-water work windows) cited in the PBA

- To file your post construction documentation within 45 days of the project's completion.