



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Daphne Ecological Services Field Office  
1208-B Main Street  
Daphne, AL 36526



IN REPLY, REFER TO:  
2006-TA-0464

March 1, 2006

Mr. Stan Houston, Director  
FEMA Mitigation Department  
1555 Eastern Boulevard  
Montgomery, AL 36117

Dear Mr. Houston:

The U.S. Fish and Wildlife Service (Service) is providing this letter as a blanket clearance to the Federal Emergency Management Agency (FEMA) and its associated and subsidiary agencies for certain emergency management construction projects in the State of Alabama under the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

This blanket clearance for minor construction projects associated with construction of individual safe rooms/storm shelters in the State of Alabama is effective through December 31, 2006. With the inclusion of the following conditions, the Service has determined that the building of individual safe rooms/storm shelters on private property may be conducted within a blanket clearance without adversely affecting listed species:

- construction activities and equipment storage or staging areas are within pre-existing grassed, graveled, or paved areas
- construction activities and equipment storage or staging areas do not result in tree cutting or destruction of native plant communities
- construction activities are limited to actions that do not involve major earth moving; major earth moving is considered to be the disturbance of an area greater than 0.1 acre in size
- construction activities and equipment storage or staging areas are not located within, or adjacent to, drainages, wetlands, the 100-year floodplain, or other aquatic systems
- construction sites lack sinkholes, caves, karst, or soils classified as highly erodible
- buildings are gutter-less, unless gutter outflow is directed through a permeable (non-concrete) drainage to an unlined settling basin, rain garden, or other site with filtration and absorption capacity

- appropriate best management practices (BMPs) are implemented to minimize erosion and to minimize, filter, and slow offsite movement of stormwater

Minor actions that cannot meet the previous conditions, such as actions requiring disturbance or modifications to land greater than 0.1 acre in size or actions requiring alteration of stormwater drainage patterns, should be individually coordinated through the Service on a case-by-case basis to assess possible adverse effects under the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. et seq.), and the Migratory Bird Treaty Act (16 U.S.C. 703, *et seq.*).

Also, actions in sites with known contamination should be individually coordinated with the Service. In addition, construction activities and equipment storage or staging areas within the range and habitat of the Alabama beach mouse (*Peromyscus polionotus ammobates*) in Baldwin County or the gopher tortoise (*Gopherus polyphemus*) in Choctaw, Mobile, and Washington Counties should be individually coordinated with the Service.

In all situations, FEMA and its associated and subsidiary agencies are expected to implement BMPs, where applicable, to ensure that impacts from erosion and stream sedimentation are minimized. Rapid revegetation of disturbed areas with a native species or an annual grass is recommended to reduce erosion.

A request for renewal of this agreement should be submitted to our office at least 30 days prior to the expiration date of December 31, 2006. Subsequent renewals will be for a period of one year. Also, this agreement only covers the State of Alabama. The Service reserves the right to revoke this clearance if:

1. New information reveals that the categories of work covered in this blanket clearance may affect listed species or Critical Habitat in a manner, or to an extent, not previously considered.
2. The categories of work included in this clearance are subsequently modified to include activities not considered in this review.
3. New species are listed or Critical Habitat designated that may be affected.

A complete list of all listed and candidate species occurring in the State of Alabama, by county, can be found on our website at: <http://daphne.fws.gov/es/specieslst.htm>. In addition, the bald eagle (*Haliaeetus leucocephalus*) and red-cockaded woodpecker (*Picoides borealis*) may occur in any county, if suitable habitat exists. Impacts to individual species may be ruled out if no potential habitat occurs in a specific project area or adjacent areas.

If you have any questions or need additional information, please contact Ms. Jodie Smithem at (251) 441-5842. Please refer to the reference number located at the top of this letter in future phone calls or written correspondence.

Sincerely,

//S// Elaine Snyder-Conn

Elaine Snyder-Conn  
Acting Field Supervisor