

United States Department of Agriculture



Natural Resources Conservation Service
210 Walnut Street, Room 693
Des Moines, IA 50309-2180

April 23, 2012

IOWA BULLETIN NO. IA 190-12-8

SUBJECT: ECS - CONTINUED USE OF IOWA INSTRUCTION 190-384 RELATIVE TO DISPOSITION OF AD-026 FORMS ON SODBUST SITES WITH POTENTIAL NEGATIVE IMPACTS TO THREATENED OR ENDANGERED SPECIES.

PURPOSE. To confirm directions regarding Threatened and Endangered species provided in Iowa Instruction 190-384.

EXPIRATION DATE. September 30, 2012

Iowa Instruction 190-384 was issued on February 29, 2012. This Iowa Instruction provided direction on the use of Threatened and Endangered (T&E) species habitat evaluation tools when a site in native vegetation is the subject of a wetland or highly-erodible land (HEL) determination. These evaluation tools will be used to determine whether NRCS can provide conservation planning assistance on these sites once the determination is complete.

Iowa Instruction 190-384 directed NRCS staff to hold AD-026 forms for those determinations that could not be cleared with Phase 1 habitat evaluations for woodland sites and Phase 1 or 2 evaluations for herbaceous sites.

Holding those forms is necessary at this time because of ongoing discussions between the NRCS and the U.S. Fish and Wildlife Service (FWS) on how consultations regarding T&E habitat are to be handled. Until those discussions are concluded we are not able to provide reliable guidance to producers on this issue.

I am writing to reiterate that the direction provided in Iowa Instruction 190-384 is still in effect:

- NRCS employees are to complete in-office Phase 1 evaluations on both woodland and herbaceous Sodbust sites.
- If necessary, producers will be provided with the Phase 2 evaluation tool for herbaceous sites as specified in Iowa Instruction 190-384.
- If sites cannot be cleared with these tools, AD-026 forms are to be held pending the completion of discussions with FWS and further instructions from the NRCS State Office.

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It has been brought to my attention that the Phase 1 tools do not deal with bald eagle nests. Bald eagles are protected under the Bald and Golden Eagle Protection Act. However, the State of Iowa no longer maintains a database of bald eagle nests. That being the case, the following actions will be taken on for sites that pass a Phase 1 habitat evaluation:

1. For both NHEL and HEL sites, this statement will be provided on the AD-026:
“Bald eagles are protected under the Bald and Golden Eagle Protection Act. Tree canopies should be inspected for bald eagle nests prior to clearing. If a nest is present, consult with the U.S. Fish and Wildlife Service prior to clearing.”
2. For HEL sites, a field check will be required for eagle nests as part of providing conservation planning assistance.

This direction will be incorporated into an Iowa Instruction once discussions with the FWS are completed.

I cannot predict when discussions with FWS will be completed. Those discussions are active and ongoing. Questions may be directed to Marty Adkins, State Resource Conservationist, at (515) 284-4370.

/s/

Richard Sims
State Conservationist