

WETLANDS AND FLOODPLAINS

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value. We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's [NWI program website](https://www.fws.gov/program/national-wetlands-inventory) (<https://www.fws.gov/program/national-wetlands-inventory>) integrates digital map data with other resource information. We also recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands.

MIGRATORY BIRDS

The MBTA prohibits the taking of migratory birds, nests, and eggs, except as permitted by the Service's [Migratory Birds Program](https://fws.gov/program/migratory-birds) (<https://fws.gov/program/migratory-birds>). To minimize the likelihood of adverse impacts to migratory birds, we recommend construction activities occur outside the general bird nesting season from March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until the young have fledged.

We recommend review of Birds of Conservation Concern to fully evaluate the effects to the birds at your site. This list identifies birds that are potentially threatened by disturbance and construction. It can be found at the Service's [Migratory Birds Conservation Library Collection](https://fws.gov/library/collections/migratory-bird-conservation-documents) (<https://fws.gov/library/collections/migratory-bird-conservation-documents>).

Information related to best practices and migratory birds can be found at the Service's [Avoiding and Minimizing Incidental Take of Migratory Birds Library Collection](https://fws.gov/library/collections/avoiding-and-minimizing-incidentally-take-migratory-birds) (<https://fws.gov/library/collections/avoiding-and-minimizing-incidentally-take-migratory-birds>).

BALD AND GOLDEN EAGLES

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the ESA on August 9, 2007. Both the bald eagle and golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to “disturb” eagles. Under the BGEPA, the Service may issue limited permits to incidentally “take” eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For information on bald and golden eagle management guidelines, we recommend you review information provided at the Service's [Bald and Golden Eagle Management Library Collection](https://fws.gov/library/collections/bald-and-golden-eagle-management) (<https://fws.gov/library/collections/bald-and-golden-eagle-management>).

NATIVE BATS

If your species list includes Indiana bat (*Myotis sodalis*) or northern long-eared bat (*M. septentrionalis*) and the project is expected to impact forested habitat that is appropriate for maternity colonies of these species, forest clearing should occur outside of the period when bats may be present. Federally listed bats could be actively present in forested landscapes from April