

# DIVISION OF LOCAL ASSISTANCE



## CALTRANS OVERSIGHT INFORMATION NOTICE



DLA COIN Issue #12-03

Release Date: October 12, 2012

### Welcome to the COIN!

*This is a Caltrans Oversight Information Notice, or "COIN" for short. These short, single-topic bulletins are intended to provide outreach information and guidance to local agencies on issues pertaining to the construction of Federal-aid projects. They cover a wide variety of subjects, including discussions of findings resulting from process reviews by Caltrans and/or FHWA, changes in procedures or regulations, reminders of existing procedures or best practices, and other timely information. The goal is to ensure proper and timely delivery of Federal-aid projects.*

### TOPIC: Bio-acoustic Requirements for Bridge Projects Involving Pile Driving and Demolition

In light of an aging bridge inventory and an increase in local agency federal-aid bridge projects, this COIN is being issued to notify local agencies and their consultants regarding important guidance for bridge projects involving pile driving or demolition in water.

The guidance, entitled *Technical Guidance for Assessment and Mitigation of Hydro-acoustic Effects of Pile Driving on Fish*, and available at: [http://www.dot.ca.gov/hq/env/bio/files/Guidance\\_Manual\\_2\\_09.pdf](http://www.dot.ca.gov/hq/env/bio/files/Guidance_Manual_2_09.pdf), is intended to assist local agencies in their compliance with applicable federal environmental laws and the National Environmental Policy Act and in their application for required federal permits as follows:

**Compliance with Federal Laws:** Local agency federal-aid transportation projects are required to comply with the provisions of the Federal Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation and Management Act (MSFMA), the Fish and Wildlife Coordination Act (FWCA), and ultimately the National Environmental Policy Act (NEPA). These laws require:

1. consideration of the potential for effect on a federally-listed species and their critical habitat (*protected by the ESA*), and/or on designated essential fish habitat (*protected by the MSFMA*);
2. an analysis of impacts, *including an evaluation of underwater noise generated by pile driving and demolition and subsequent bio-acoustic impacts on listed species*; and
3. consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries OR CURRENT NAME whenever listed species/critical habitat, and/or essential fish habitat may be affected.

The technical guidance referenced above outlines the information necessary to perform an evaluation of in-water pile driving activities (*including pile types, pile size, pile placement, pile driving equipment, and best management practices and avoidance and minimization measures that can be incorporated into the action*). It also explains how this information should be incorporated into the Biological Assessment (BA) and an Essential Fish Habitat Assessment (*an Appendix to the BA*) required for NEPA compliance.

**Compliance with Required Federal Permits:** Local agencies are required to obtain federal permits and comply with the terms and conditions of these permits. The technical guidance referenced above specifically discusses the federal permits (Sec 404, Sec 401, U.S. Coast Guard) required for pile driving and demolition activities and the approaches and information necessary to apply for and comply with these permits.

Adherence to this guidance should provide for expeditious compliance with applicable federal environmental laws and requirements, NEPA approval, and applications for and compliance with federal permits.