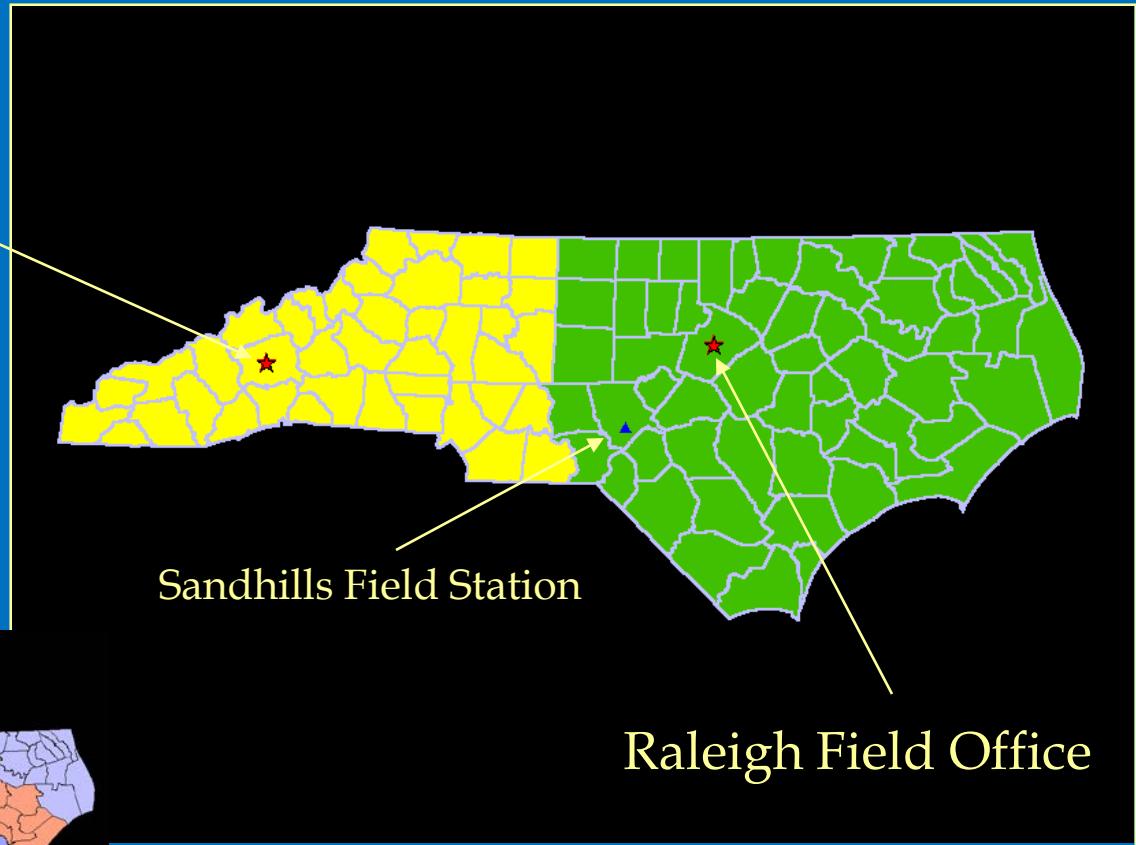


US Fish and Wildlife Service Role in Transportation Projects: The Endangered Species Act

- Ecological Services in North Carolina
- Overview of the Endangered Species Act and relevant Sections
- Consultation on NCDOT projects

Ecological Services in NC

Asheville Field Office



Sandhills Field Station

Raleigh Field Office

DOT Divisions



Endangered Species Act - Purpose

The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved ...

Protection for Listed Species

- Two sections of the Act provide protection for listed species
 - Section 9 – Prohibited Acts
 - Section 7 – Interagency coordination and consultation

ESA – Section 9

- Prohibits *take*, which is defined as harass, harm, pursue, hunt, wound, shoot, kill, trap, capture, or collect
(Or to attempt to engage in any such contact)
- *Take* includes changes in habitat which cause harm to listed species

ESA – Section 7

Interagency Cooperation & Consultation

- Final rule published in 1986, 50 CFR, Part 402
- Applies to actions funded, authorized, or carried out by federal agencies
 - 7(a)(1)
 - 7(a)(2)

ESA - Section 7(a)(1)

...Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of endangered species...

ESA – Section 7(a)(2)

Each federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of an endangered species or threatened species or result in the destruction or adverse modification of critical habitat...

Project Review Process with NCDOT

- NCDOT proposes a project
- NCDOT biologists, DEO's, or consultants conduct GIS and field reviews for rare species

<https://www.fws.gov/asheville/>



ES Finder

Office Finder

Service Finder

Contact Finder

About the Asheville Field Office

Staff, hours, and directions

Strategic plan (.pdf 853 KB)

Ecological services field office work (.pdf 80 KB)

Internships

Additional resources

Publication library

Image library

Podcasts

Resources outside our office

Fishing and hunting licenses

Injured or nuisance wildlife

Employment

Federal grants

Information you can use



Project planning and review

Design and construction recommendations

Biological assessment contents and tips

Species information and guidance

- Northern long-eared bat in western North Carolina
- Bald eagle guidance
- Survey times for threatened or endangered plants
- Critical habitat data
- Predictive habitat models for North Carolina aquatic animals



Species information

Federally threatened or endangered species and species of concern in North Carolina

- List of federally threatened or endangered species in North Carolina (pdf, 66 kb)
- By North Carolina county
- Federal species of concern in North Carolina (pdf, 190 kb)

Profiles for mountain and upper Piedmont species

Animals
Carolina northern flying squirrel

Current Events and Issues



News release: Proposal to expand bog conservation in North Carolina (November 22, 2016)



News release: Endangered Species Act protection not needed for sicklefin redhorse and six other species (October 6, 2016)



Endangered Species, Threatened Species, Federal Species of Concern, and Candidate Species,

Cleveland County, North Carolina



Updated: 4-2-2015

Common Name	Scientific name	Federal Status	Record Status
Vertebrate:			
Northern long-eared bat	<i>Myotis septentrionalis</i>	T	Probable/Potential
Invertebrate:			
Vascular Plant:			
Dwarf-flowered heartleaf	<i>Hexastylis naniflora</i>	T	Current
Gray's saxifrage	<i>Saxifraga caroliniana</i>	FSC	Current
Sweet pinesap	<i>Monotropsis odorata</i>	FSC	Current
Torrey's Mountain-mint	<i>Pycnanthemum torrei</i>	FSC	Historic
Nonvascular Plant:			
Lichen:			

Project Review cont'd

- The results of these reviews are summarized in a Natural Resources Technical Report or on a checklist
- NCDOT determines whether or not a project is likely to affect a listed species or its designated critical habitat.

Determination of Effect

- “No effect” if there are no listed species found and no occupied suitable habitat is affected by the project
- “Not likely to adversely affect” if species present but project as proposed is not expected to result in adverse impact to species or critical habitat
- “May affect, likely to adversely affect” if effects cannot be avoided or minimized, formal consultation may be required.

Consultation May Be Informal or Formal

- “No effect” requires no further consultation
- “Not likely to adversely affect” requires written concurrence from the Service: this informal consultation meets requirements of the Act.
- If a “May affect, likely to adversely affect” determination is reached for impacts to a species or its designated critical habitat, formal consultation is required.

Formal Consultation

- Occurs between the FWS and Federal Agency responsible for funding or permitting a project
- Required when there is a “May affect, likely to adversely affect” determination
- Sets timelines and information needs
- Can allow incidental take of listed species, provided the take will not result in jeopardy

Reinitiation of Consultation Required

- If project scope/impacts change significantly
- If new species are found or listed
- If new information reveals impacts not previously considered

Benefits of Early Consultation

- Allows for collaborative problem solving during project design or implementation to avoid or minimize impacts to listed species and often avoids the need for formal consultation
- Provides opportunities to include conservation measures as part of the project
- Allows for the joint development of terms and conditions (green-sheet type items)
- Delivers transportation projects in a timely, cost effective manner while conserving listed species.

Suggestions for Coordination on Locally Administered Projects

Standardize the requests for review and include:

- A point of contact in the Agency/Coordination with NCDOT
- A statement about whether there is federal funding or the need for a federal permit
- The results of field work including who did the work and when it was conducted
- A project timeline if known or proposed

Federal-aid Essentials for Local Public Agencies

Federal-aid Simplified.

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STATE RESOURCES

OUTREACH MATERIALS



Environment

NEPA Regulatory Framework and Process

Overview of NEPA as Applied to Transportation Projects

Agencies are required to consider the environmental effects of their proposals and actions in Federal-aid project delivery



[Companion Resource](#) (PDF, 170 KB) : Includes the printable script for this video

Web Resources: Includes Web links to related Code of Federal Regulations and other links appropriate to this video module.

- [FHWA guidance on the essential elements of the NEPA process](#)
- [FHWA Web site provides links to specific environmental topics](#)
- [Summary of environmental legislation affecting transportation](#)
- [Federal regulations covering environmental impact and related procedures](#)
- [AASHTO guidance on various aspects of the NEPA process](#)
- [Council on Environmental Quality provides regulations for all Federal agencies implementing NEPA](#)
- [Text of National Environmental Policy Act of 1969](#)

ENVIRONMENT

Although the videos in this section can be viewed in any sequence, the titles are arranged in a recommended or preferred order for your convenience.

Process:

[The Social Environment](#)

Other Laws and Requirements:
[Overview of Other Laws and Requirements](#)

Other Laws and Requirements:
[Section 4\(f\) of the USDOT Act of 1966](#)

Other Laws and Requirements:
[Section 106 of the National Historic Preservation Act](#)

Other Laws and Requirements:
[Section 404 of the Clean Water Act](#)

Other Laws and Requirements:
[Endangered Species Act](#)

Other Laws and Requirements:
[Highway Traffic Noise](#)