

Memorandum

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To: ENVIRONMENTAL DEPUTY DIRECTORS

Date: June 22, 2011

From: JAY NORVELL
Division Chief
Environmental Analysis



Subject: **Clarification Regarding Federal Endangered Species List Validity**

As part of the process to update the Department's annotated outlines (AO) for environmental documents, a review was done of the "Biological Environment" section of each outline. To make the AOs more consistent with the Code of Federal Regulations (50 CFR §402.12 (e)), the updated indicates that a species list should not be older than 180 days; previously the AO stated that species lists should not be older than two years. For consistency, similar changes are also being made to other parts of the SER, including Environmental Handbook Volume 3 and the templates for biological documents.

Species list updates or verifications must be done in line with Federal Endangered Species Act Section 7 consultation and environmental document milestones (e.g., Draft Environmental Document (DED)/Final Environmental Document (FED)). Generating a current species list during scoping prior to DED helps to support the initial effects determinations. Section 7 consultation and the preparation of the Biological Assessment typically occur between DED and FED. An updated list may be necessary to begin consultation if the one generated prior to the DED is older than 180 days. If Section 7 consultation is complete, but the FED is delayed, you may need to verify or update your species list if it is older than 180 days prior to finalizing the FED. A species list also includes critical habitat within the project location and noting any critical habitat designation updates is also important. Further, it is anticipated that additional species listings and critical habitat revisions will occur in the near future.

Updates or verifications can be done in any of the following ways:

- Request a new list or verify an existing list in writing (informally/formally) from the Service(s)
- Templates for written species list requests can be found at http://pd/env/bio/html/wildlife/endangered_index.htm
- Species generated from a Field Office website if available
- http://www.fws.gov/sacramento/es/spp_list.htm
- <http://www.fws.gov/arcata/specieslist/default.htm>

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Maintaining current species list will reduce project delays and will ensure the environmental documents and related technical studies are up to date with species and critical habitat revisions, listings, and de-listings. If you have any questions related to this subject, If you have any questions on our comments, please contact me at (916) 654-6296 or Gregg.Erickson@dot.ca.gov.

c: Gregg Erickson, Chief,
Biological and Technical Assistance Office