

Appendix I – Endangered Species (Correspondence)

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Biohabitats
SOUTHEAST BIOREGION
Incorporated

August 4, 2009

Mr. Pete Benjamin
US Fish and Wildlife Service
Raleigh Field Office
P.O. Box 33726
Raleigh, NC 27636-4556

Subject: The University of North Carolina at Chapel Hill's Carolina North Project in Orange County

Dear Mr. Benjamin,

The University of North Carolina has identified a university-owned parcel, approximately 1000 acres, approximately 1.5 miles north of downtown Chapel Hill in Orange County, for future development (please see enclosed map for location and extent). This scoping letter is intended to inform you of the University's intent to acquire an Individual Section 404 permit from the U.S. Army Corps of Engineers for the development. There is no development planned for the property west of Seawell School Road.

An updated species list for Orange County was obtained from your web site on August 4, 2009 (<http://nc-es.fws.gov/es/countyfr.html>). The Endangered species for Orange County are:

Vertebrate:	red-cockaded woodpecker	<i>Picoides borealis</i>
Invertebrate:	dwarf wedgemussel	<i>Alasmidonta varicosa</i>
Vascular Plant:	Michaux's sumac	<i>Rhus michauxii</i>
	Smooth coneflower	<i>Echinacea laevigata</i>

There are no Threatened species listed.

It is requested that you please provide any known information for each species in the county. The USFWS will be contacted if suitable habitat for any listed species is found or if we determine that the project may affect one or more federally listed species or designated critical habitat.

Please provide comments on any possible issues that might emerge with respect to endangered species, migratory birds or other trust resources from the construction of a wetland and/or stream restoration project on the subject property. An aerial photography site map showing the approximate areas of potential ground disturbance is enclosed (the site is located on Crow Branch, on the Chapel Hill, North Carolina USGS 7.5 minute topographic quadrangle).

If we have not heard from you in 30 days we will assume that our species list is correct, that you do not have any comments regarding associated laws, and that you do not have any information relevant to this project at the current time.

We thank you in advance for your timely response and cooperation. Please feel free to contact us with any questions that you may have concerning the extent of site disturbance associated with this project.

Sincerely,

Kevin Nunnery
Biohabitats, Inc.
8218 Creedmoor Road, Suite 200
Raleigh, NC 27613

DRAFT



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

August 18, 2009

Kevin Nunnery
Biohabitats, Inc.
8218 Creedmoor Road, Suite 200
Raleigh, NC 27613

Re: The University of North Carolina at Chapel Hill's Carolina North Project in Orange County

Dear Mr. Nunnery:

This letter is to inform you that a list of all federally-protected endangered and threatened species with known occurrences in North Carolina is now available on the U.S. Fish and Wildlife Service's (Service) web page at <http://www.fws.gov/raleigh>. Therefore, if you have projects that occur within the Raleigh Field Office's area of responsibility (see attached county list), you no longer need to contact the Raleigh Field Office for a list of federally-protected species.

Our web page contains a complete and frequently updated list of all endangered and threatened species protected by the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act), and a list of federal species of concern¹ that are known to occur in each county in North Carolina.

Section 7 of the Act requires that all federal agencies (or their designated non-federal representative), in consultation with the Service, insure that any action federally authorized, funded, or carried out by such agencies is not likely to jeopardize the continued existence of any federally-listed endangered or threatened species. A biological assessment or evaluation may be prepared to fulfill that requirement and in determining whether additional consultation with the Service is necessary. In addition to the federally-protected species list, information on the species' life histories and habitats and information on completing a biological assessment or evaluation and can be found on our web page at <http://www.fws.gov/raleigh>. Please check the web site often for updated information or changes.

¹ The term "federal species of concern" refers to those species which the Service believes might be in need of concentrated conservation actions. Federal species of concern receive no legal protection and their designation does not necessarily imply that the species will eventually be proposed for listing as a federally endangered or threatened species. However, we recommend that all practicable measures be taken to avoid or minimize adverse impacts to federal species of concern.

If your project contains suitable habitat for any of the federally-listed species known to be present within the county where your project occurs, the proposed action has the potential to adversely affect those species. As such, we recommend that surveys be conducted to determine the species' presence or absence within the project area. The use of North Carolina Natural Heritage program data should not be substituted for actual field surveys.

If you determine that the proposed action may affect (i.e., likely to adversely affect or not likely to adversely affect) a federally-protected species, you should notify this office with your determination, the results of your surveys, survey methodologies, and an analysis of the effects of the action on listed species, including consideration of direct, indirect, and cumulative effects, before conducting any activities that might affect the species. If you determine that the proposed action will have no effect (i.e., no beneficial or adverse, direct or indirect effect) on federally listed species, then you are not required to contact our office for concurrence (unless an Environmental Impact Statement is prepared). However, you should maintain a complete record of the assessment, including steps leading to your determination of effect, the qualified personnel conducting the assessment, habitat conditions, site photographs, and any other related articles.

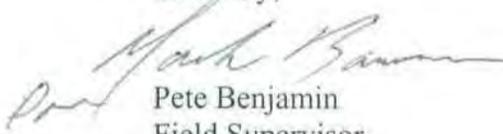
With regard to the above-referenced project, we offer the following remarks. Our comments are submitted pursuant to, and in accordance with, provisions of the Endangered Species Act.

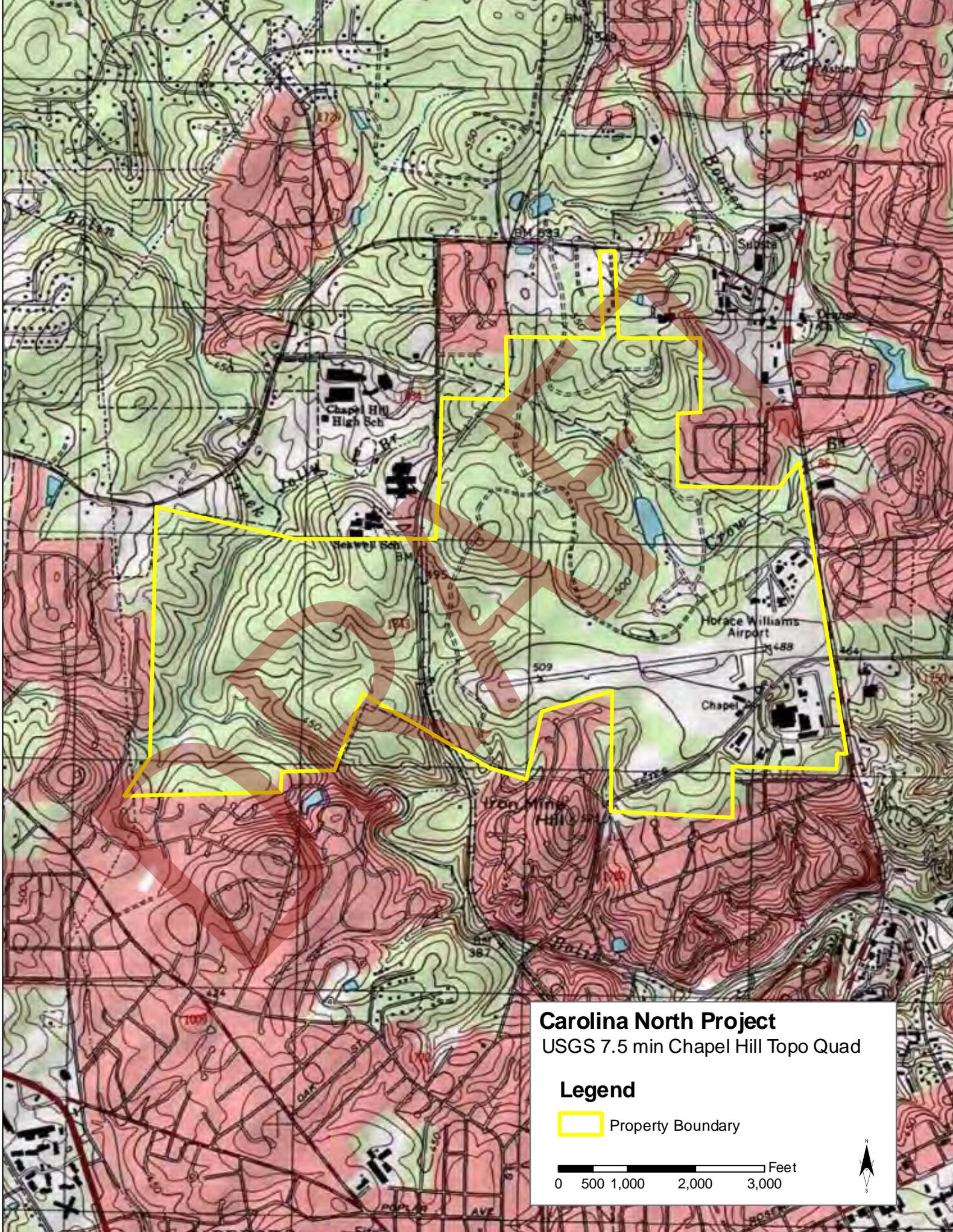
Based on the information provided and other information available, it appears that the proposed action is not likely to adversely affect any federally-listed endangered or threatened species, their formally designated critical habitat, or species currently proposed for listing under the Act at these sites. We believe that the requirements of section 7(a)(2) of the Act have been satisfied for your project. Please remember that obligations under section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review; or, (3) a new species is listed or critical habitat determined that may be affected by the identified action.

The North Carolina Wildlife Resources Commission has developed a Guidance Memorandum (a copy can be found on our website at (<http://www.fws.gov/raleigh>) to address and mitigate secondary and cumulative impacts to aquatic and terrestrial wildlife resources and water quality. We recommend that you consider this document in the development of your projects and in completing an initiation package for consultation (if necessary).

We hope you find our web page useful and informative and that following the process described above will reduce the time required, and eliminate the need, for general correspondence for species' lists. If you have any questions or comments, please contact Mark Bowers of this office at (919) 856-4520 ext. 19.

Sincerely,


Pete Benjamin
Field Supervisor



Carolina North Project
USGS 7.5 min Chapel Hill Topo Quad

Legend

 Property Boundary

0 500 1,000 2,000 3,000 Feet

