

Instructions for Selecting Borrow & Waste Sites with Potential To Impact the Red-Cockaded Woodpecker (RCW) (Final 11.24.10)

Background

The North Carolina Department of Transportation (NCDOT), United States Fish & Wildlife Service (USFWS) and the Federal Highway Administration (FHWA) recognize that borrow and waste sites associated with construction of this transportation project could have an effect on the red-cockaded woodpecker (a species protected by the Endangered Species Act (ESA)). As borrow and waste locations are typically not known at the time of the Section 7 (of the ESA) consultation (which occurs much earlier in the project development process), FHWA and NCDOT must consider the effects of borrow and waste sites prior to NCDOT approving such sites for contractors to use.

In order to efficiently and predictably determine how borrow and waste sites may affect the RCW, these three agencies have agreed upon a coordination framework. The outcome of this coordination is a clear understanding of how a potential borrow or waste site might affect the RCW. This information can be used by a contractor in determining whether to pursue utilization of a site. This information can be used by NCDOT & FHWA to help determine whether to approve the use of the site. This information also can be used by USFWS to better understand what action is being taken by NCDOT & FHWA and how it might affect the RCW.

Representatives from these three agencies met on 11.15.10 to develop the coordination framework. The framework is outlined below in text, as well as graphically at the end of this document.

Coordination Framework

Step 1:

Determine if desired borrow/waste site is located within either of the following areas of the Northern Corridor:

- Any of the three "priority areas" (see map provided by NCDOT); and/or
- Within one half (1/2) mile from a known red-cockaded woodpecker cluster (see map provided by NCDOT).

If "yes", go to Step 4.

If "no", go to Step 2.

Step 2:

Determine if the site has a pine stand (any species) approximately 30 years or more in age.

If "yes", go to Step 3.

If "no", go to Step 6.

Step 3:

Determine if any RCW cavity trees are present w/in ½ mile of the desired site. Contractor must hire an environmental consultant with experience in performing RCW surveys to make this determination. Results should be coordinated with NCDOT Division Environmental Officer (DEO) as a double-check (especially if the answer is "yes").

If "yes", go to Step 5.

If "no", go to Step 6.

Step 4:

Determine if there are any pine stands (any species, any age) on the desired borrow/waste site.

If “yes”, go to Step 5.

If “no”, go to Step 6.

Step 5:

Contractor discusses results with DEO. Contractor may be required to conduct an RCW survey¹ of the property and within ½ mile if wanting to continue pursuit of the site. DEO discusses survey results with USFWS (and possibly NCDOT’S Natural Environment Unit NEU).

From this discussion, contractor should have sufficient information to decide to either abandon the site or proceed with requesting approval from NCDOT. NCDOT should have sufficient information to know whether consultation with USFWS is required

Step 6:

Site is OK related to RCW. No consultation with USFWS is necessary. No restrictions are needed related to the RCW. RCW-related issues should not affect NCDOT’s decision to approve/not approve the site.

¹Contact NCDOT Natural Environment Unit for RCW survey protocol

Endangered Species Act Coordination
For Waste/Borrow Sites in the Project Area

