

Memorandum


*Serious drought.
Help save water!*

To: ENVIRONMENTAL DEPUTY DIRECTORS
ENVIRONMENTAL DIVISION CHIEFS

Date: January 9, 2017

File:

From: PHILIP J. STOLARSKI
Acting Division Chief
Division of Environmental Analysis



Subject: **CLARIFICATION REGARDING FEDERAL ENDANGERED SPECIES LIST VALIDITY**

The purpose of this memorandum is to provide clarification regarding the need for current species lists in accordance with the Federal Endangered Species Act Section 7 consultation process and the requirement that these lists be verified and/or updated at certain environmental document milestones (e.g., Draft Environmental Document (DED)/Final Environmental Document (FED), revalidations, and re-evaluations).

A current species list should be generated during project scoping prior to the development of the environmental document in order to identify potential species and/or designated critical habitat and support the initial effects determinations made for federally listed species and/or designated critical habitat.

Section 7 consultation and the preparation of the Biological Assessment typically occur between DED and FED. If the list generated prior to the DED milestone is older than 180 days, a new list will be required for inclusion in the DED. You will also need to verify the species list with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NOAA Fisheries) or update the species list if it is older than 180 days at the FED milestone. A species list also includes designated critical habitat within the project location and noting any revisions to critical habitat designations is also important. Chapter 4 of Volume 3 of the Standard Environmental Reference (SER), Section 4-2.2 will be updated to be consistent with this memorandum and will provide direction on requirements for developing the species list for each project.

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).
- Species lists generated from the USFWS Information for Planning and Conservation website: <https://ecos.fws.gov/ipac/>
- Species lists generated from the NOAA Fisheries West Coast Region website: http://www.westcoast.fisheries.noaa.gov/maps_data/california_species_list_tools.html

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Maintaining current species lists will reduce project delays and will ensure the environmental documents and related technical studies are up to date with federal species listings and designated critical habitat revisions.

If you have any questions on our comments, please contact Jennifer Gillies at (916) 651-8166 or Jennifer.Gillies@dot.ca.gov.

Cc: Jennifer Gillies, Chief of Office of Biological Studies