



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Raleigh ES Field Office
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August 3, 2021

John F. Sullivan, III, P.E.
Federal Highway Administration
310 New Bern Avenue, Suite 410
Raleigh, NC 27601

Monte Matthews
U.S. Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403-1343

Dear Mr. Sullivan and Mr. Matthews:

This letter is in response to your letter of July 21, 2021 regarding the U.S. Fish and Wildlife Service (Service) Programmatic Conference Opinion (PCO) for the effects of North Carolina Department of Transportation (NCDOT) bridge and culvert replacement/repair/rehabilitation projects on the Carolina Madtom (*Noturus furiosus*, proposed endangered), Neuse River Waterdog (*Necturus lewisi*, proposed threatened), and their proposed critical habitats in NCDOT Divisions 2, 4, 5, and 7. Our PCO was issued on May 7, 2020. The final rule for the listing of these two species with designated critical habitat was published in the Federal Register on June 9, 2021. You have requested that the Service confirm our PCO as the Programmatic Biological Opinion (PBO) for these two species and critical habitat. This response is provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

We understand that there have been no significant changes in the action as planned or in the information used during the programmatic conference. Therefore, effective immediately, the Service officially adopts the PCO as the PBO for the aforementioned action. We believe that the requirements of Section 7(a)(2) of the ESA have been satisfied for these two species and designated critical habitat. However, since the PBO only addresses the aforementioned species and their critical habitat, it should not, by itself, be necessarily construed as completing Section 7 consultation for any specific project. Any individual project which may affect any other federally threatened or endangered species must undergo its own Section 7 consultation on a project-by-project basis. We remind you 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 in this review; (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 this identified action. If you have any questions regarding our response, please contact Mr. Gary Jordan at gary_jordan@fws.gov.

Sincerely,

Pete Benjamin
Field Supervisor

Electronic copy:

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