



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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August 16, 2021

Philip S. Harris III, P.E.
NC Department of Transportation
Environmental Analysis Unit
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Dear Mr. Harris:

This letter is in response to your letter of August 10, 2021 and attached Programmatic Biological Evaluation (PBE) which provided the U.S. Fish and Wildlife Service (Service) with the programmatic biological conclusion of the North Carolina Department of Transportation (NCDOT) for certain transportation projects in NCDOT Divisions 1-8 regarding the federally threatened wood stork (*Mycteria americana*). The NCDOT has determined that all the transportation projects addressed in the PBE may affect, but are not likely to adversely affect the wood stork. The following response is provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

The actions covered in this informal programmatic consultation include all projects with a federal nexus from the following categories scheduled to be under construction through April 30, 2031:

1. Bridge replacement and repair
2. Culvert replacement, repair, extension, and cleaning
3. Safety/mobility enhancement (to include adding auxiliary or turning lanes, intersection improvements, and pavement widening)
4. Drainage improvements to slopes and ditches
5. Bank stabilization (i.e. armoring stream banks adjacent to bridges or culverts)

This programmatic informal consultation does not address new-location road projects, new interchanges, or road widening projects that convert two-lane facilities to median-divided four-plus-lane facilities. These types of actions will require separate consultation. This programmatic informal consultation only addresses the wood stork. All other listed species must be addressed separately.

In Bladen, Brunswick, Columbus, Duplin, Robeson, and Sampson Counties, NCDOT has committed to surveying each individual project site for the presence of wood storks and their foraging and nesting habitat during the timeframe of April 15 – July 15. Surveying outside the April 15 – July 15 timeframe is acceptable if the project occurs entirely within existing NCDOT right-of-way and work will occur outside the reproductive season of April 15 – July 15. If a

survey determines that a project is within “line-of-sight” of nests, roosts, or foraging congregations (≥ 5 wood storks), NCDOT will consult with the Service under separate consultation. Surveys should be no more than two years old at the time of project let.

Your biological conclusion of “may affect, not likely to adversely affect” is based on the following facts:

- 1) Due to the uncommon nature of wood storks in North Carolina, likelihood of presence at any site is very low.
- 2) Most potential effects would be temporary in nature (e.g., potential disturbance to foraging storks or temporarily precluding a site from being used for foraging).
- 3) There is no shortage of foraging habitat.
- 4) The only potential for take of the species would be where nests are present or large feeding congregations are present (e.g., Sunset Beach area).
- 5) All other potential effects are insignificant and/or discountable.

Based on available information, and subject to wood stork surveys not determining the presence of nests, roosts, and foraging congregations, the Service concurs with your conclusion that the actions addressed in this programmatic informal consultation may affect, but are not likely to adversely affect the wood stork. No additional consultation is required for the covered actions through April 30, 2031. We believe that the requirements of Section 7(a)(2) of the ESA have been satisfied for the wood stork for the covered actions. 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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