

Information for USDA-NRCS Participants

The Natural Resources Conservation Service (NRCS) is required to inform USDA-NRCS participants of NRCS' policy when the participant is considering or has chosen an action that may adversely affect federally listed species or designated critical habitat; species proposed for federal listing or proposed critical habitat; candidate species, or State and Tribal designated species of concern. This includes informing the participant of their responsibilities and implications under the Endangered Species Act (ESA) and State or Tribal laws and regulations. This information is provided below.

NRCS Policy. When NRCS concludes that a proposed action "may affect" a federally listed species or designated critical habitat; species proposed for federal listing or proposed critical habitat; candidate species; or State and Tribal designated species of concern; NRCS will recommend alternative conservation treatments that will avoid adverse effects and, to the extent practicable, provide long-term benefit to species. Should the participant choose an action that results in adverse effects, ***NRCS will not provide assistance for the action or portion of the action affecting the species*** (unless the participant has obtained a permit or statutory/regulatory exemption to conduct the activity). [General Manual, Title 190, Subpart B, Part 410.22](#)

Participant Notification of their Responsibilities/Implications under ESA or other State/Tribal laws:

Federally Listed Plants Species: There are no additional required notifications for the participant.

Federally Listed Fish/Wildlife Species and/or Designated Critical Habitat: Section 9 of the Endangered Species Act prohibits "taking" any species that is listed by the U.S. Fish and Wildlife Service (the Service) as an endangered or threatened species; unless the person has first obtained a permit^[1] or there is a statutory or regulatory exemption that allows the taking. The term "taking" is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting. Take has also been interpreted to include impairing habitat that may indirectly cause death or injury by disrupting feeding, breeding, or other essential behavior patterns. An unlawful taking can result in criminal and civil fines and imprisonment.

^[1] In some cases, the Service may authorize an ESA Section 10 permit to lawfully implement the action. For more information please visit: <http://www.fws.gov/endangered/permits/index.html> or contact the Service in Denver at (303) 236-4773 or in Grand Junction at (970) 243-2778.

Note: NRCS may proceed with assistance if the participant obtains a permit to lawfully implement the actions. A copy of the permit must be provided to the NRCS.

Federally Proposed Species and Proposed Critical Habitat: There are no additional required notifications for the participant.

State Designated Wildlife Species of Concern: Colorado Revised Statutes Title 33, Article 2 (CRS Ann. §§ 33-2-105) states that it is unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship and for any common or contract carrier to knowingly transport or receive for shipment any species or subspecies of wildlife appearing on the state list of threatened and endangered wildlife. Violations of the law or regulations may include fines and imprisonment.

Special permits may be available under limited circumstances. Contact the Colorado Parks and Wildlife at (303) 297-1192.

Note: NRCS may proceed with assistance if the participant obtains a permit to lawfully implement actions under Colorado's Statutes. A copy of the permit must be provided to NRCS.

State/Tribal Designated Plant Species of Concern: There are no additional required notifications.