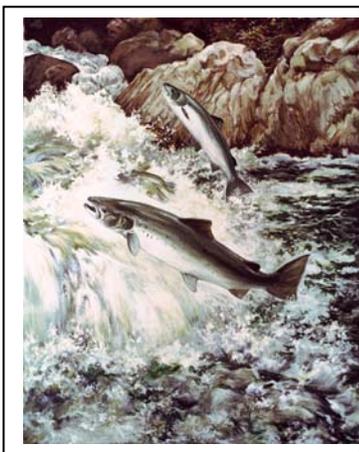




USFWS Photo

## ***NRCS' mission***

The mission of the Natural Resources Conservation Service (NRCS) is to help people help the land. At the same time, NRCS considers the effects of its conservation projects on all resources including rare, declining and imperiled species and critical, essential, significant or protected fish and wildlife habitat.



USFWS; Richard Hines

# Rare, Declining, Imperiled Species and Habitats and your Conservation Project

## ***Why these resources are important***

Other than its people, Maine's abundant natural resources are its greatest treasure. Stable fish and wildlife populations are an indication that ecosystems are healthy and are being managed in a sustainable manner. Declining populations indicate the reverse condition. Declining, rare and imperiled species and habitats have intrinsic cultural, environmental, scientific, educational and recreational value to the peoples of Maine and the Nation. Such species and habitats need and deserve special consideration from those who value our natural resources, and depend on them for their livelihood, sustenance and enjoyment.

NRCS' objective is to enable sustainable management of our natural resources. Another reason why NRCS has to provide for the protection of fish and wildlife and habitat is it is often required by federal law. The U.S. Congress has passed a number of laws, including but not limited to: the Endangered Species Act, the National Environmental Policy Act, the Magnuson-Stevens Fisheries Conservation and Management Act, the Migratory Bird Treaty Act, and the Bald Eagle Protection Act. The State of Maine also has its own Endangered Species Act and other environmental laws, which may require project reviews and require landowners to acquire permits prior to initiating their project, or to mitigate for adverse impacts due to their project.

## ***How NRCS considers fish & wildlife resources in conservation planning***

NRCS policy and federal laws require NRCS to evaluate the effects of our programs and activities on federally protected resources, and to consult as needed. Consultations, at the federal or state level, with recognized experts can help NRCS and our clients ensure our actions do not unintentionally result in environmental problems.

The NRCS Field Office staff will review available scientific data to determine whether any protected or special concern resources are on or near your project. NRCS may need to consult with state, tribal or federal authorities to determine if the project will have any impact, positive or negative, on identified resources. NRCS will need a client's and landowner's, if different, consent *in writing* prior to consulting and sharing information with another agency. If consent is not provided, NRCS may not be able to provide technical or financial assistance for those activities that may affect the resource(s) of concern.

Consultation is a means to ensure that important state and national resources are not negatively impacted, and that NRCS and its clients are compliant with state and federal law. The consultation also offers the opportunity to develop reasonable alternatives to avoid or minimize potential adverse effects, or the chance to enhance priority resource. Alternatives typically involve modification of extent, location or timing of management activities and, less frequently, could involve re-design or relocation of proposed structures. Only in extremely rare situations are proposed actions halted or significantly altered due to anticipated project impacts to protected resources.

## ***Landowner responsibilities***

1. Provide NRCS with information on known protected fish and wildlife resources on or near the project area early in planning a conservation practice in order to prevent later delays.
2. If protected species, habitat or priority species and habitats are located on or near the planning area and the proposed action has the potential to adversely affect the resource, the land owner and client, if different, must give NRCS their consent in writing to allow NRCS to share information in their draft or final conservation plan with appropriate regulatory authorities. If such consent is not provided, NRCS will not be able to continue with technical or financial assistance for those actions that may have an adverse effect.
3. A landowner or operator may not begin to implement a NRCS cost-shared conservation practice until:
  - NRCS informs them that all legally required environmental reviews have been completed,
  - If needed, the landowner has acquired all local, state and/or federal permits. Premature construction could lead to NRCS withdrawing all assistance from the project, and in some cases there may be legal action by law enforcement agencies.
4. If during implementation of a NRCS-funded conservation practice the presence of a previously unknown protected species becomes known, all work in the area must stop and NRCS immediately contacted.
  - NRCS will evaluate the resource and, if necessary, will seek the landowner's and client's, if different, consent to consult with appropriate regulatory authorities as indicated under item 2 above.
  - A landowner or operator may not re-initiate implementation of a NRCS cost-shared conservation practice until the conditions indicated under item 3 above are met. Premature re-initiation of activity could lead to NRCS withdrawing all assistance from the project, and in some cases there may be legal action by law enforcement agencies.

## ***For more information***

- United States Endangered Species Act (<http://northeast.fws.gov/Endangered/>)
- Maine's Endangered Species Act ([http://www.maine.gov/ifw/wildlife/species/endangered\\_species/index.htm](http://www.maine.gov/ifw/wildlife/species/endangered_species/index.htm))
- National Environmental Protection Act (<http://ceq.hss.doe.gov/nepa/nepanet.htm>)
- Magnuson-Stevens Fisheries Conservation and Management Act (<http://www.nmfs.noaa.gov/sfa/magact/>)
- The Migratory Bird Treaty Act (<http://www.fws.gov/laws/lawsdigest/migtrea.html>)
- Bald Eagle Protection Act (<http://www.fws.gov/laws/lawsdigest/baldegl.html>)
- Maine's Natural Resources Protection Act (<http://www.maine.gov/dep/blwq/docstand/nrpapage.htm>)

*Or*

- Contact your NRCS Service Center, ([NRCS Service Centers in Maine](#)) *or* Jeff Norment, NRCS Biologist, 967 Illinois Ave., Suite #3, Bangor, ME 04401, 207-990-9100 Ext #3

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.