

PENNSYLVANIA GUIDANCE FOR CONSERVING ENDANGERED AND THREATENED SPECIES

September 2012

The Endangered Species Act requires federal agencies and private individuals to both conserve and protect endangered and threatened species. USDA and NRCS policy requires employees to conserve all federal and state listed endangered and threatened species and also their designated critical habitat (designated by federal or state fish & wildlife agencies). “Listed” includes federally proposed and candidate species as well as also other state designations such as rare or species of concern. Procedure to do this is as follows:

A. Conduct a Pennsylvania Natural Diversity Inventory (PNDI) search for the site. Access can be requested on-line at the PNDI Internet Database at <http://www.gis.dcnr.state.pa.us/hgis-er/Login.aspx>

In the Pennsylvania Natural Heritage Program/PNDI online review tool select the *Project Type*, *Primary Category*. The most common ones will be:

Agriculture/Farming
Habitat Conservation and Restoration
Pest Control (control of animal and plant pests)
Timber Harvesting and Vegetation Management
Water extraction/transfer

For complex plans there may be more than one *Primary Category*, and there will often be more than one *Secondary Category* within *Primary Categories*.

For example, within *Primary Category* “*Agriculture/Farming*” the *Secondary Categories* “*Continued agricultural field use (crops, etc)*”, “*Streambank fencing*,” and “*Installation of livestock crossing*” may all need to be selected. In the same plan it may also be necessary to select *Primary Category* “*Water extraction/transfer*” with *Secondary Categories* “*Well (groundwater extraction)*” and “*Water line construction*”.

It will be necessary to conduct a PNDI Search for each *Secondary Category* (five searches in the example above). When each PNDI Project Environmental Review Receipts indicates No Potential Impact, it will only be necessary to print and file the first page. For all searches with Potential Impacts it will be necessary to print the entire receipt. Any receipt with a unique Potential Impact will have to comply with the following guidance.

After identifying the *Project Area*, it is necessary to identify whom the “***Project submitted on behalf of***”. In most cases, the correct choices for NRCS assisted actions are: *Private Individual*, *Local Government*, *County Agency*, or *State Agency*. *Private Individual* will be most common. *Federal Agency* should not be selected unless NRCS is assisting another federal agency that is managing the site.

The PNDI Receipt, which the user is instructed to print and complete as a record of the PNDI database search, has several areas to enter contact information or signatures. When searches are being conducted for conservation planning/or and implementation for NRCS assisted activities, these are not the same person.

Item 7. PROJECT CONTACT INFORMATION will be completed by the person actually conducting the online review – whether an NRCS employee, Conservation District employee, partner or Technical Service Provider (TSP).

Item 8. CERTIFICATION will be signed and dated by the “project proponent or applicant” (client, such as a landowner or operator, or the appropriate representative of local, county, or state agencies) on whose behalf the search is being conducted. In cases where the PNDI receipt is not needed for permits or other purposes AND the receipt shows *No Known Impacts / No Further Review Required* for all resource agencies, then the project applicant (client) signature for the Certification block is optional for NRCS purposes.

Avoidance and Conservation Measures and other certification of information require a signature (not initials) of the “project proponent or applicant”. The project applicant (client) is the **only** person who should sign these measures, certifying that the information is accurate and/or the measures will be implemented. Neither the person conducting the on-line review nor the person providing NRCS technical assistance (NRCS, Conservation District, partner or TSP) should sign any of these areas on the receipt.

Though Partners and TSP’s may complete the PNDI search and have project applicants sign the above blanks on the PNDI Environmental Review Receipt, NRCS is still ultimately responsible for the final resolution of any identified potential impacts as noted by the environmental review agencies under Item 3. AGENCY COMMENTS.

NOTE: Beginning July 2, 2012 the Pennsylvania Department of Environmental Protection determined that PNDI Receipts are **valid for two years** instead of just one year.

B. The PNDI Search will indicate if there have ever been any reports of federal or state listed species in your project area.

1. If the PNDI search shows no potential impacts with listed species and there is no indication any are present (i.e., observation or additional information from landowner or others) document this on the Environmental Evaluation worksheet (NRCS-CPA-52) under Endangered and Threatened Species, and proceed with your project. Retain the PNDI Search Results receipt in the case file.

2. If the PNDI search shows potential impacts with listed species that have been identified sometime in the past in the general area of your project, and the species or its designated critical habitat* does not occur in your project area, document this directly on the PNDI Search Results receipt, summarize it on the NRCS-CPA-52 worksheet, and proceed with the project. Retain the PNDI Search Results in the case file.

3. If the PNDI search shows potential impacts with listed species and you suspect or have confirmed that species use or are on the site, or the project area contains designated critical habitat* for those species, a determination must be made whether the planned action will or will not have either a direct or indirect effect (adverse, beneficial or insignificant) on the species, its designated critical habitat*, or its behavior patterns.

a) If there is **no effect**, document this directly on the PNDI Search Results receipt and the NRCS-CPA-52, and proceed with the project. Retain the PNDI Search Results in the case file.

FOTG Sec. III, D. Planning & Environmental Compliance Information

- b) If the planned action may have direct or indirect effects that cannot be avoided, the appropriate federal and/or state agency must be consulted for guidance. Impacts may be avoided by the landowner modifying the alternative selected or selecting another alternative, so that in either case there are no direct or indirect effects. For federally listed species the landowner may be obligated to protect the species, its habitat and its behavior patterns, even if no federally-assisted activities are being implemented.
4. If at any time during the course of planning or implementing the project, even after completing the PNDI search, you encounter listed species you are obligated by law, USDA and NRCS policy to determine whether the planned action may affect the species, its designated critical habitat,* or its behavior patterns. If the subsequent determination is that there will be no effect, document as described above in 3.a. for no effect. If there may be effects, the appropriate federal and/or state agency(ies) must be consulted.

If additional assistance is needed with this guidance, contact the State Resource Conservationist or designated Ecological Sciences and Planning Staff member for assistance.

*Critical habitat is designated only by agencies responsible for listing species, such as U.S. Fish & Wildlife Service, PA Game Commission, etc.