

# *Endangered Species and Transportation*

## **NYSDOT Perspective**

*Mary Ivey, Director, Office of Environment*

*AASHTO July 2008*

# State and Federal Processes

---

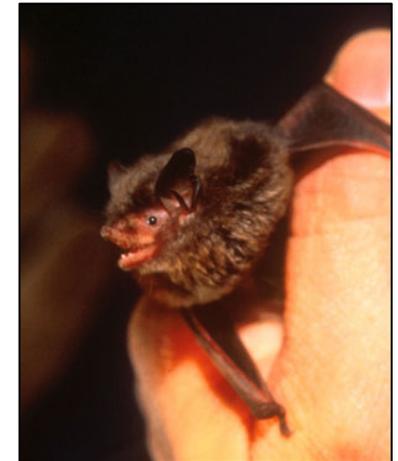
## Federal

- Section 7 of the Endangered Species Act



## State

- ECL Article 9 consultation (plants)
- ECL Article 11 consultation (fish and wildlife)



# Number of Listed Species

---

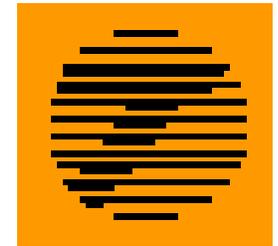
- Federal-listed animal species
  - 22 endangered, 6 threatened
- State-listed animal species
  - 53 endangered, 35 threatened

# NYSDOT - Strengths

---

## Positive working relationships

- USFWS
- FHWA
- NYSDEC
- NY Natural Heritage Program
- AASHTO

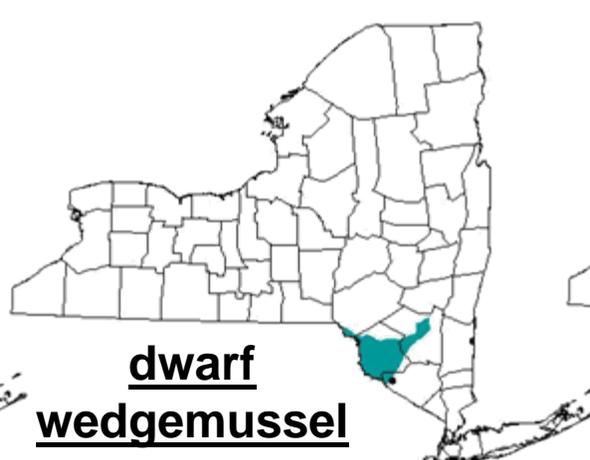
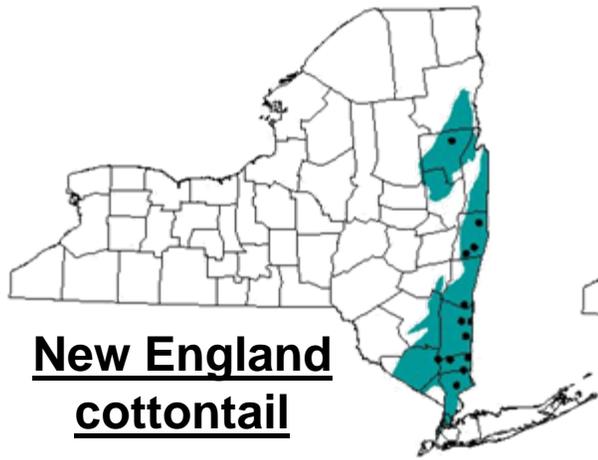
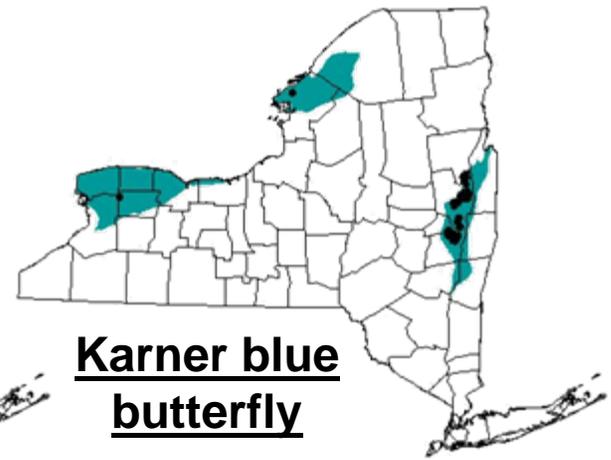
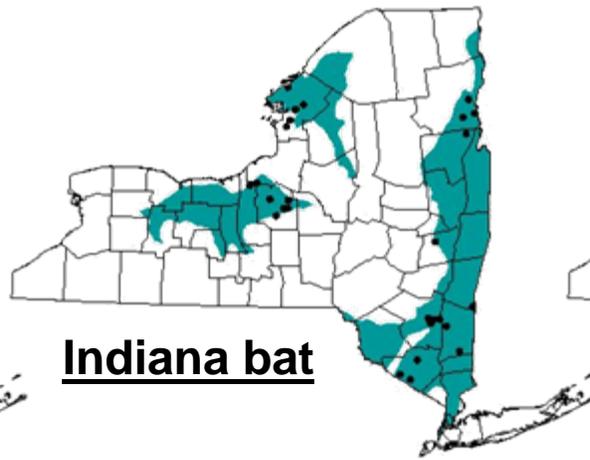
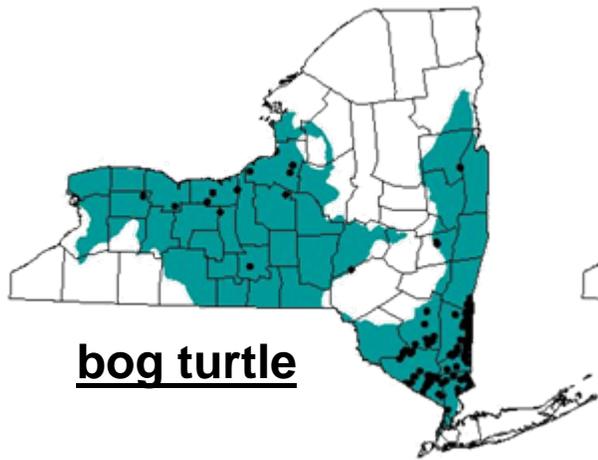


# Strengths

---

- **Agency Commitment**
  - Working together toward improved processes, predictability
- **Collaboration**
  - Interagency meetings, joint training
- **Periodic endangered species process issue**
  - Limited distribution of endangered and threatened species (ETS) across state
  - Limited transportation activities that have potential to affect ETS species

# Distribution

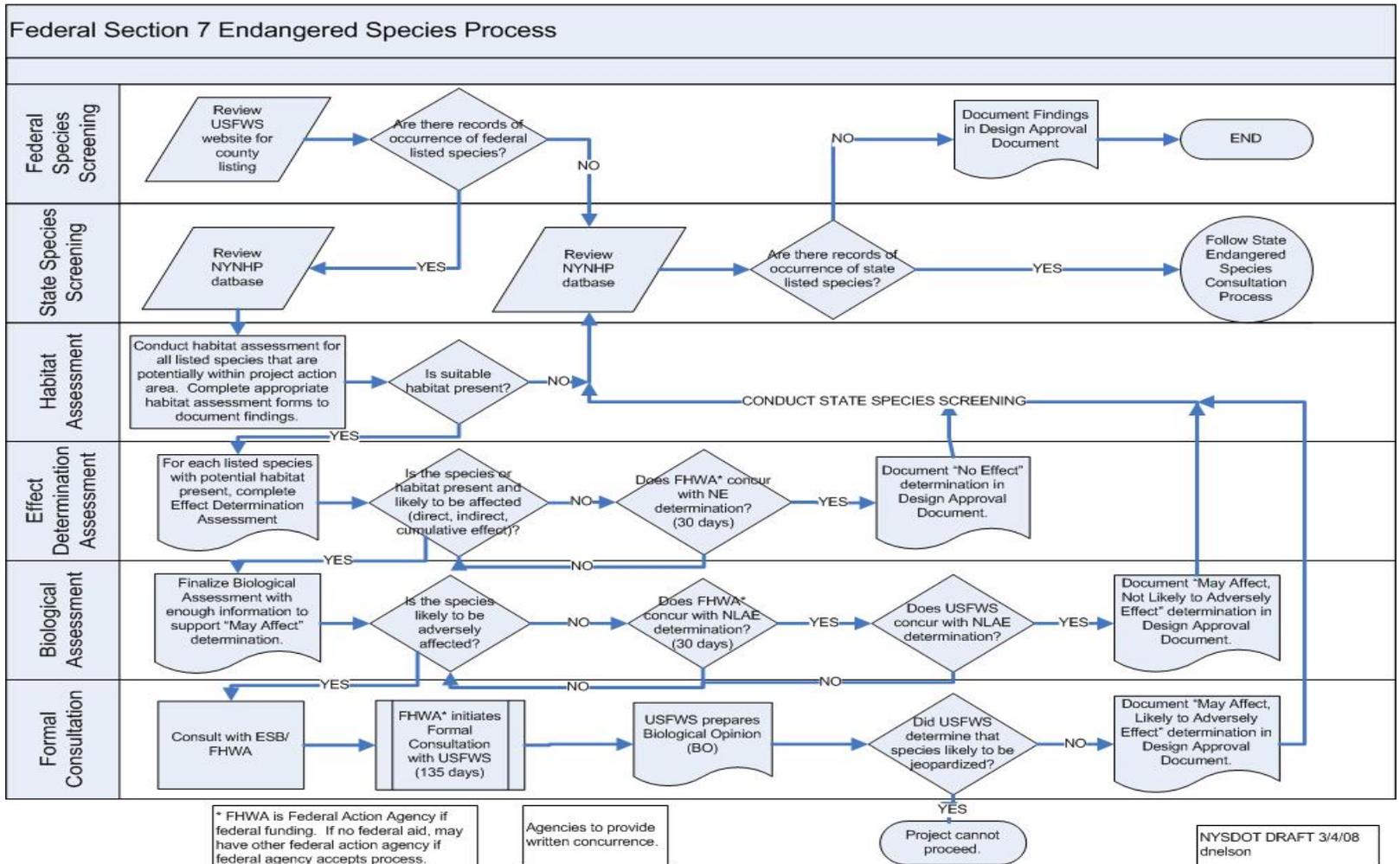


# Transportation Activities

---

- Tree clearing
- Embankment fill within/near wetlands
- Stormwater discharges
- Bridge construction/maintenance
- Right-of-way mowing

# Revised Section 7 Endangered Species Consultation Process



# NYSDOT Developed Habitat Assessment Forms

---

- Tools for consistent evaluation
- Species-specific
- Landscape features
- Site Observations
  - Associated vegetation types
  - Food availability
  - Microclimate
  - Degree of habitat fragmentation

# Weaknesses

---

- Limited staff resources (all agencies)
- Limited experience going through endangered species processes
- Processes are unpredictable, especially time frames

# Threats

---

- Limited staff
  - Delays
  - Lack of staff redundancy
  - Guidance outdated
- Need better understanding on how transportation activities interface with protected species
- Regulatory/compliance focus rather than conservation focus
- State regulations are being revised
  - duplicative processes

# Opportunities

---

- FHWA-HQ web-based Biological Assessment Tool
  - Piloted in NYS in March 2008
  - Joint training for NYSDOT-ETS process team, FHWA and USFWS
- Useful applications for the web-based BA tool
  - Online file cabinet (saves times; provides info to all team members)
  - Guidance and templates (systematic, predictable)
  - Self-explanatory and user-friendly

# Opportunities

---

- Partnership with NY Natural Heritage Program
  - Training and data sharing in 2005
    - Provides NYSDOT staff information for screening
  - Entering 5 year, \$500,000 contract
    - Developing Conservation Tools
    - NYNHP and NYSDOT to develop management considerations for conservation

# Opportunities

## NYNHP Conservation Guides

New York Natural Heritage Program - Microsoft Internet Explorer

Address: <http://www.acris.nynhp.org/>



### New York Natural Heritage Program

The NY Natural Heritage Program enables and enhances conservation of the state's biodiversity by delivering high-quality information from field inventories, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity. The following conservation guides are designed to help land managers, decision-makers, planners, scientists, consultants, and the interested public better understand the rare species and natural communities that characterize New York. Funding from the Hudson River Estuary Program made the initial development of these guides possible.

[Search Guides](#)    
Advanced Search

 **Animal Guides**

 **Plant Guides**

Home | [Search Guides](#) | [About Us](#)  
[Animal Guides](#) | [Plant Guides](#) | [Community](#)

© 2004-2005 New York Natural Heritage Program, a

Bog Turtle Guide - New York Natural Heritage Program - Microsoft Internet Explorer

Address: <http://www.acris.nynhp.org/guide.php?id=7507>

[GUIDES](#) [GUIDES](#) [GUIDES](#) [GUIDES](#)

[Summary](#) [Conservation Issues](#) [Habitat](#) [Range](#) [Identification Comments](#) [Taxonomy](#) [Additional Resources](#)

### Bog Turtle

*Glyptemys muhlenbergii* (Schoepff, 1801)

**Family:** (Emydidae)

**State Protection:** Endangered Species  
**Federal Protection:** Listed As Threatened

**State Rarity Rank:** S2  
**Global Rarity Rank:** G3

**Did you know?**  
The bog turtle is one of the smallest turtles in North America. Bog turtles in the northern part of the range are generally less than 100 millimeters (4 inches) in length, while turtles farther south reach sizes of up to 115 millimeters (4.5 inches) (USFWS 2001).

**Turtles** [Printer Friendly Version \(PDF\)](#)



Bog turtle  
Jesse W. Jaycox

[State Ranking Justification](#)

Done

start | Image Retriever | Environmental ... | Bog Turtle Guid... | Microsoft Of... | Novell Grou... | 6:40 PM Thursday

# Opportunities

---

- USFWS Information, Planning and Consultation (IPaC)
  - Conservation Frameworks
- NYSDOT supports concept
  - Integration in NYS processes
  - Potential application for transportation activities in Northeast

# Coming Soon

---

## **Information, Planning, and Consultation – IPaC USFWS**

- 3-Tier approach: similar to (1) no effect, (2) not likely to adversely affect, and (3) likely to adversely affect.
- Attributes: will include natural resources databases; “suggested” BA language specific to affected species; GIS layer upload; avoidance alternatives; and mitigation options.

# Contact Information

---

- Mary Ivey: [mivey@dot.state.ny.us](mailto:mivey@dot.state.ny.us)
- Debra Nelson: [dnelson@dot.state.ny.us](mailto:dnelson@dot.state.ny.us)

[http://www.nysdot.gov/portal/page/portal/divisions/engineering/  
environmental-analysis/water-ecology/wildlife](http://www.nysdot.gov/portal/page/portal/divisions/engineering/environmental-analysis/water-ecology/wildlife)