



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: March 15, 2022

Standard Local Operating Procedures for Endangered Species (SLOPES) for Wilmington District, Department of the Army Permits Affecting the Red- cockaded Woodpecker in North Carolina

The purpose of this public notice is to announce that the Wilmington District, U.S. Army Corps of Engineers (USACE), and the United States Fish and Wildlife Service (Service) have developed a SLOPES agreement concerning potential effects to the federally endangered Red-cockaded Woodpecker (RCW) (*Dryobates (=Picoides) borealis*).

Section 7(a)(2) of the Endangered Species Act (ESA) requires that federal agencies, in consultation with the Services (both the U.S. Fish and Wildlife Service and the National Marine Fisheries Service), take such actions as necessary to ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary of the Interior or Commerce, as appropriate, to be critical.

This SLOPES agreement details how the USACE will make determinations of effect to the RCW when the USACE is the lead federal agency for a project and is applicable to activities regulated pursuant to Section 404 of the Clean Water Act (CWA) and/or Section 10 of the Rivers and Harbors Act (RHA) of 1899 throughout North Carolina. Note that if another federal agency is the lead for a project, procedures for satisfying the requirements of Section 7(a)(2) of the ESA will be dictated by that agency and will not be applicable for consideration under this SLOPES.

The primary threat to the RCW is from deforestation and loss of long-leaf pine forest habitats, which has caused a drastic decline in population numbers. Proper application of the procedures outlined in the SLOPES will ensure that activities regulated under Section 404 of the CWA and/or Section 10 of the RHA in North Carolina are processed in accordance with the requirements of Section 7(a)(2) of the ESA.

GEOGRAPHIC AREA COVERED BY THE SLOPES

There are one hundred (100) counties in North Carolina. A subset of these counties comprises the consultation area for the RCW. Depending on whether

the consultation area is within the northeastern coastal plain or the piedmont, sandhills, or southeastern coastal plain will establish the specific data needed to determine the effects to the species. A map showing the consultation area is included in the SLOPES.

PURPOSE OF THE SLOPES

The SLOPES formalizes the coordination between the USACE, Wilmington District, and the Raleigh Ecological Services Field Offices for the RCW. The SLOPES addresses effects to the RCW only. Effects to other federally listed species and/or to federally designated critical habitat will be processed via traditional consultation methods unless separate SLOPES or other agreements with the Service have been reached for those species and/or critical habitat.

TIMEFRAME

The SLOPES was signed and became effective on March 15, 2022. While there is not expiration date for the SLOPES, it may be revisited at any time if new information becomes available that warrants re-initiation of consultation.

WHICH ACTIVITIES ARE ADDRESSED IN THE SLOPES?

The SLOPES covers all activities that would require Department of the Army authorization from the USACE (both notifying and non-notifying/non-reporting projects) and applies to activities regulated pursuant to Section 404 of the CWA and/or Section 10 of the RHA throughout North Carolina when the USACE is the lead federal agency.

WHAT IF THE USACE IS NOT THE LEAD FEDERAL AGENCY

If another federal agency is the lead for a project, procedures for satisfying the requirements of Section 7(a)(2) of the ESA will be dictated by that agency and will not be applicable for consideration under this SLOPES.

WHO CAN I CALL IF I HAVE QUESTIONS ABOUT A PROPOSED PROJECT?

The RCW SLOPES can be viewed on the USACE website at the following World Wide Web Page:

https://saw-reg.usace.army.mil/ESA/RCW_SLOPES_20220302.pdf

Permittees who do not have internet access, or who may have additional questions should contact the USACE at (919) 554-4884 x31.