

Kim,

Please see below to add to the PB package. If you need hard copies, please let me know.

Thanks.

Clay Matthews



367 Freedom Parkway, Suite 220
Pittsboro, NC 27312
Phone: (919) 367-8790, ext. 103



US Green Building Council Member

From: Harbour, Jeff W <Jeff.Harbour@terracon.com>
Sent: Friday, October 20, 2023 9:45 AM
To: Clay Matthews <ClayM@CEGROUPINC.COM>
Subject: FW: USFWS question

Jeff Harbour, PWS
Senior Scientist | Natural Resources



2401 Brentwood Road, Suite 107 | Raleigh, NC 27604
D (919) 547-1080 | M (919) 805-4208
jeff.harbour@terracon.com | Terracon.com



From: Capito, Rachel A CIV USARMY CESAW (USA) <Rachel.A.Capito@usace.army.mil>
Sent: Friday, October 20, 2023 9:44 AM
To: Harbour, Jeff W <Jeff.Harbour@terracon.com>
Subject: RE: USFWS question

Hi Jeff,

If there is no federal trigger (no permits, funding, or other federal involvement) then there is no federal hook for the Endangered Species Act review under Section 7. Unless there is a listed species or habitat within the project area, and you need an Incidental Take Permit which you would do directly with FWS through Section 10 consultation. There may be additional local or state requirements that I may be unaware of, but USACE would not be involved if there is no trigger for a permit. Let me know if you have any additional questions.

Thanks,
Rachel

From: Harbour, Jeff W <Jeff.Harbour@terracon.com>
Sent: Thursday, October 19, 2023 6:12 PM
To: Bailey, David E CIV USARMY CESAW (USA) <David.E.Bailey2@usace.army.mil>
Cc: Clay Matthews <ClayM@CEGROUPOINC.COM>
Subject: [Non-DoD Source] USFWS question

David,

If I have a project in Chatham County that has no federal trigger (no permit from USACE needed); does the developer have to notify USFWS absent a 404 permit action? NCNHP reports no issues with the site and we have identified no onsite habitat. Other landowners are insisting that USFWS must be contacted but I feel that it isn't required unless we know of something occurring onsite; which it doesn't. What is your opinion when USACE is not involved with any permit action?

Thanks

Jeff Harbour, PWS
Senior Scientist | Natural Resources



2401 Brentwood Road, Suite 107 | Raleigh, NC 27604
D (919) 547-1080 | M (919) 805-4208
jeff.harbour@terracon.com | Terracon.com



Terracon provides environmental, facilities, geotechnical, and materials consulting engineering services delivered with responsiveness, resourcefulness, and reliability.
