



# United States Department of the Interior

NATIONAL PARK SERVICE  
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 November 26, 2008

(2310)

Memorandum

To: Regional Environmental Coordinators, National Park Service

From: Acting Division Chief, Environmental Quality Division, /s/ *Tammy Whittington*

Subject: National Park Service National Environmental Policy Act Analysis for Federal Listed and Non-Listed Species

Recently, an Inventory and Monitoring (I&M) Coordinator asked if parks engaged in planning should take into consideration federal species of concern in the National Environmental Policy Act (NEPA) process along with federally listed and proposed species under the Endangered Species Act (ESA). The short answer is yes. Species of concern were formerly termed by the U.S. Fish and Wildlife Service (FWS) as “category-2 candidates.” They were also informally called Category 2 species, species of special concern, and species in decline.

In 1996, the FWS discontinued the practice of maintaining a list of species regarded as “category-2 candidates” as they determined that these lists were more appropriate for use in land management planning and natural resource conservation efforts that extend beyond the mandates of the Act.<sup>1</sup> After 1996, Category 2 species no longer received any federal protection under the Act. Thus, in wildlife conservation, species of concern was used as an informal term to refer to species that are declining or appear to be in need of concentrated conservation actions. Many agencies and organizations maintain lists of these at-risk species.

The “category-1 candidates” were retained and were called “candidates” for listing under the ESA. Candidates are those species for which the FWS has on file sufficient information to support issuance of a proposed listing rule. Each year, the FWS annually publishes a Candidate Notice of Review in the Federal Register. However, since both groups of species were formerly termed ‘candidates,’ it has led to confusion about the term.

Section C of the environmental screening form, as found in Director’s Order 12, directs parks in identifying resource effects of a proposed action, including potential effects to “Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat.” (C.11)

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<sup>1</sup> U.S. Fish and Wildlife Service. 1996. Endangered and Threatened Wildlife and Plants; Notice of Final Decision on Identification of Candidates for Listing as Endangered or Threatened; Final Rule. Federal Register 61(235)64481-64485. Available on-line at: [http://www.fws.gov/endangered/policy/CAND\\_DET.HTM](http://www.fws.gov/endangered/policy/CAND_DET.HTM) .

Section D of the form lists Mandatory Criteria, which may indicate that there is potential for significant impacts to the human environment (thus an environmental assessment or an EIS may be necessary). One of these criteria includes projects or plans that may have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

The environmental screening form does not list every type of concern, but instead flags some common issues of concern. If a concern is not called out directly on the form, it does not mean it should not be addressed. Scoping is the process used internally and publicly to identify issues to be addressed through the planning process. Depending on each park's situation and what issues arise, species of special concern in the ESF form C.11 could include the federal ESA status species (Endangered, Threatened, Species Threatened by Similarity of Appearance, Experimental, Proposed, Candidate, Delisted/Monitored, and Managed), Species of Special Management Concern identified by a park under the NPS Management Policies, and any state or tribal listed species. For example, species on the Navajo Natural Heritage Program's "Navajo Endangered Species List" may be identified for projects occurring at Navajo National Monument or Canyon De Chelly National Monument during public scoping and thus should be considered.

Please remember that even if a park is not required to consult on a particular federally listed species with the FWS, a park may still need to analyze it under NEPA, given direction provided in Management Policies and other guidance materials. National Park Service Management Policies 4.4.2.3 states, "In addition, the Service will inventory other native species that are of special management concern to parks (such as rare, declining, sensitive, or unique species and their habitats) and will manage them to maintain their natural distribution and abundance." If your park has a common issue or particular species of concern, it may be useful to add a question regarding that species to the park's environmental screening form under Step 4 of the Planning, Environment and Public Comment (PEPC) system so that the issue is considered for all projects.

We appreciate your assistance in distributing this information to parks in your region.