

ADOT Environmental Planning Group: Biology

Project Coordination: Navajo Nation

DESERT TORTOISE



PIMA PINEAPPLE
CACTUS



WESTERN BURROWING
OWL



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ADOT Environmental Planning Group

Biology Team Roles and Responsibilities

- ADOT Development Projects
 - Federally Funded-Federal Highway Administration (FHWA)
- Compliance
 - Federal laws/regulations
 - State Laws (apply to non-tribal lands)
 - Navajo Nation laws/regulations/policies

Federal Laws

US Fish and Wildlife Service (USFWS)

- Endangered Species Act
 - Threatened & Endangered (T&E) species
- Migratory Bird Treaty Act
- Bald and Golden Eagle Act



Endangered Species Act

- Congress passed in 1973
 - Signed into law by President Nixon
- Purpose: To protect and recover imperiled species and the ecosystems upon which they depend.
- Administered By
 - US Fish and Wildlife Service
 - National Marine Fisheries Service



Endangered Species Act

- Species Can Be Listed Two Ways
 1. Endangered: A species is in danger of extinction throughout all or a significant portion of its range.
 2. Threatened: A species is likely to become endangered within the foreseeable future.

Endangered Species Act

- What does this mean?
 - Protects endangered and threatened species and their habitats by prohibiting the “take” of listed animals.
- “Take”?
 - “An act of take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.”

Endangered Species Act

- Critical Habitat

- Legally designated

- Specific areas

- Physical or biological

- features essential to species conservation

- May include areas outside of the occupied geographic area.



- Recovery Plan

- Outlines goals, tasks, costs and estimated recovery timeline

Migratory Bird Treaty Act

- Prohibits the “taking” of any native birds
- Exceptions: Lawful and permitted hunting or research



Mourning Dove



Ladder-backed Woodpecker

Migratory Bird Treaty Act

- Unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not.

Migratory Bird Treaty Act

- Penalties for violating MTBA
 - Misdemeanor
 - Fine up \$500
 - Six (6) months in jail
 - Both
- Penalty for Sale
 - Felony
 - Fines up to \$2000
 - Two years in Jail
 - Both



Cactus Wren

Navajo Nation Coordination

- ADOT Project Process-Biology
 - Project kick-off meeting
 - Request species of concern lists from the Navajo Nation Department of Fish and Wildlife-Navajo Natural Heritage Program
 - Review Navajo Nation Biological Resource Land-use Clearance Policies and Procedures.
 - Based on requirements- ADOT will submit a biological evaluation (BE) or brief letter describing the project.

Navajo Nation Coordination

- Review Navajo Nation Biological Resource Land-Use Clearance Policies and Procedures.
 - Based on requirements- ADOT will submit a biological evaluation (BE) or brief letter describing the project.
 - All submittals are coordinated with Ms. Pam Kyselka (NNDF&W)
 - Mitigation and conservation measures are coordinated
 - Navajo Nation Issues a Biological Resources Compliance Form (BRCF)

Questions?

