

United States Department of Agriculture



Natural Resources Conservation Service
316 W. Boone Ave. Suite 450
Spokane, WA 99201-2348
509-323-2900
fax 509-323-2909
web site www.wa.nrcs.usda.gov

Date: 11/26/2007

Dear,

We have met and discussed consultation requirements under the Endangered Species Act (ESA), the Magnuson-Stevens Act-“Essential Fish Habitat” (EFH) and the National Historic Preservation Act (NHPA). The National Historic Preservation Act requires NRCS to ensure that federal financial assistance does not contribute to the destruction of historic or prehistoric sites that are eligible for the National Register of Historic Places. To make this determination, the NRCS Cultural Resource Specialist must consult with you; the Washington State Historic Preservation Officer (SHPO), Native American Tribes and other involved parties as well as conducting an on-site survey. If items are found, this information is strictly confidential.

Projects that you plan to install may affect ESA “listed species” located in your area. Both earth moving and land management activities could affect listed species or their Designated Critical Habitats. Under both ESA and EFH, NRCS is required to consult with the US Fish and Wildlife Service (USFWS) and/or the National Oceanic and Atmospheric Administration-Fisheries (NOAA Fisheries) prior to implementing projects that may affect listed species with the use of NRCS financial assistance.

Where listed species may occur, or in their Designated Critical Habitat, planned practices implemented with NRCS financial assistance cannot be commenced without consultation with USFWS and/or NOAA Fisheries. Currently, the following listed species and their identified Designated Critical Habitat may occur on your operating unit:

- 1. _____
2. _____
3. _____
4. _____
5. _____

At this time, we are requesting your cooperation in signing the attached authorization. Your written consent to release information will expedite consultations with SHPO, Tribe(s), USFWS, and NOAA Fisheries.

Please return your signed and dated authorization to:

ATTN: _____
USDA, Natural Resources Conservation Service
(Address): _____, WA _____

Thank you for your continued efforts in enhancing our natural resources.

(NAME)

(TITLE)

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

AUTHORIZATION FOR NRCS TO CONSULT AND RELEASE CASE FILE INFORMATION

Persons receiving federal funding through the US Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), to implement conservation projects, are required to comply with all Federal, State and local laws, as well as obtain any Federal State or local permits prior to the construction of the projects.

Endangered Species Act

In order to ensure compliance with the Endangered Species Act (ESA) and the Magnusson-Stevens Act-Essential Fish Habitat (EFH), NRCS is required to consult with US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration-Fisheries (NOAA Fisheries) if we determine that our actions may affect ESA listed species or their Designated Critical Habitat.

National Historic Preservation Act

The National Historic Preservation Act (NHPA) requires NRCS to consult with the State Historic Preservation Office (SHPO), Tribal Historic Preservation Offices (THPO) and other appropriate parties when NRCS proposes to fund conservation projects on private or tribal lands. NRCS must also work closely with Advisory Council on Historic Preservation.

Release

I, _____, have control of said project and/or property and **give my consent** for NRCS to consult with and/or release pertinent information from my case file relating to said consultation with the USFWS, NOAA Fisheries, SHPO, THPO or other appropriate parties to ensure compliance with ESA, EFH, and NHPA. This does not authorize access to my private property by non-NRCS agencies, tribes, groups or individuals.

I, _____, have control of said project and/or property and **choose not to give my consent** for NRCS to consult with and/or release pertinent information from my case file relating to said consultation with the USFWS, NOAA Fisheries, SHPO, THPO or other appropriate parties to ensure compliance with ESA, EFH, and NHPA.

If you choose not to give your consent, you may work directly with these agencies when the need arises and provide assurance of ESA, EFH and NHPA compliance to the NRCS prior to implementation of your planned project. NRCS will provide you with no further assistance until the consultation process has been completed.

NOTE: Failure to provide consent may affect your eligibility to receive USDA funding for your project. You may cancel this consent by written notice.

NAME (Signature)

DATE

Instructions:

The following instructions pertain to the **“Authorization for NRCS to Consult and Release Case File Information”**.

All conservation plans, using NRCS Financial Assistance (FA), and the CPA-52 indicates that planned practices may affect ESA listed species (and their designated critical habitats) and/or may affect EFH species and/or require SHPO/THPO consultations will include a signed **“Authorization for NRCS to Consult and Release Case File Information.”**

When using NRCS financial assistance (Federal Funds) certain mandates and required consultations are triggered. Our assistance to land users in Washington continues to increase with the use of public funds, through our farm bill programs. Therefore, the number of required consultations will increase.

We are asking our clients to become more aware of our required procedures and responsibilities to the Endangered Species Act (ESA), Magnuson-Stevens Act - Essential Fish Habitat, and the National Historic Preservation Act. This cooperation and further understanding will make all involved parties aware of timetables, required consultations with agencies and tribes, and required surveys and data collection from the area covered by the conservation plan.

The signed authorization makes it clear for us to continue with the planning process that includes releasing certain information as part of the consultations. It should be noted that the authorization is voluntary and if not completed, we must cease assistance until we have the signed authorization, or the client can conduct the consultations with the agencies directly and upon completion of the consultation process, we can continue with our planning assistance.