

**From:** [Skorkowsky, Robert -FS](#)  
**To:** [Tu, Kenneth K -FS](#); [Dale, Robin -FS](#)  
**Cc:** [Owen, Wayne -FS](#); [Martin, Donald -FS](#)  
**Subject:** FW: [EXTERNAL] ESA Question - Alaska Roadless Rule for the Tongass NF  
**Date:** Friday, March 27, 2020 3:15:45 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Please make sure this email is in the admin record for the project.

RE: USFWS response to no-effect determination for T&E on Alaska Roadless Rule

I will continue to work with Don to follow-up with NOAA related to species under their jurisdiction.

Robert



**Robert Skorkowsky**  
**Acting Regional Wildlife/TES Program Leader**  
**Forest Service**  
**Alaska Region**  
**Wildlife, Fisheries, Ecology Watershed and Subsistence**

**Desk Phone: 970-295-6669**  
[Robert.Skorkowsky@USDA.gov](mailto:Robert.Skorkowsky@USDA.gov)

2150 Centre Avenue, Building E  
Fort Collins, CO 80526

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**From:** Cooper, Douglass [[mailto:douglass\\_cooper@fws.gov](mailto:douglass_cooper@fws.gov)]  
**Sent:** Friday, March 27, 2020 2:53 PM  
**To:** Skorkowsky, Robert -FS <[robert.skorkowsky@usda.gov](mailto:robert.skorkowsky@usda.gov)>  
**Cc:** Martin, Kate H <[kate\\_martin@fws.gov](mailto:kate_martin@fws.gov)>; Crane, Drew <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)>  
**Subject:** RE: [EXTERNAL] ESA Question - Alaska Roadless Rule for the Tongass NF

Hi Robert,

You are correct, there are no listed species or designated critical habitat in the Tongass NF. I recognize you are essentially requesting our concurrence with your determination that the proposed action will have "No Effect" on listed species or designated critical habitat. However, the Service does not provide concurrence on "No Effect" determinations. For context, this is the language I typically provide in response to such requests:

You have requested concurrence from the U.S. Fish and Wildlife Service (Service) with your determination that the proposed action will have no effect on listed species or critical habitat. You are proposing to authorize XXXXX in XXXXX, Alaska.

Section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), requires Federal agencies to ensure that any actions they undertake, fund, or authorize are not likely to jeopardize the continued existence of listed species or adversely modify designated critical habitat. As an initial step in complying with section 7(a)(2), the implementing regulations require the Federal agency to determine whether its action “may affect” listed species or critical habitat (50 Code of Federal Regulations 402.14(a)). If the proposed action may affect listed species or critical habitat, the Endangered Species Act requires that the Federal agency consult with the U.S. Fish and Wildlife Service (Service). You have requested our concurrence with your determination that the proposed action would have “no effect” on any listed threatened or endangered species or designated critical habitat. The regulations implementing section 7(a)(2) of the Endangered Species Act (50 CFR 402) do not require our concurrence with a “no effect” determination made by a Federal agency. Consequently, we decline to concur with your determination regarding the proposed project. However, as described at 50 CFR 402.14(a), the Service may request that a Federal agency “enter into consultation if (the Service) identifies any action of that agency that may affect listed species or critical habitat and for which there has been no consultation.” For the proposed action, we have no further comment with regard to section 7(a)(2) of the Endangered Species Act.

Based on your determination that the proposed project will have "no effect" on any listed species or critical habitat, you have completed your obligations under section 7 of the Endangered Species Act.

If you need further documentation from the Service regarding the absence of listed species or designated habitat, you can obtain a species list on our letterhead from our site, Information for Planning and Consultation (<https://ecos.fws.gov/ipac/>).

Please let me know if you have any questions.

Regards,  
Doug

\*\*\*\*\*

**Douglass M. Cooper**  
**Branch Chief - Ecological Services**  
**Anchorage Fish and Wildlife Conservation Office, USFWS**  
**4700 BLM Road**  
**Anchorage, Alaska 99507**  
**(907) 271-1467 (office)**  
**(907) 891-6164 (cell)**  
[douglass\\_cooper@fws.gov](mailto:douglass_cooper@fws.gov)

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*To expedite requests for U.S. Fish and Wildlife Service consultations and project reviews, please send requests to: [ak\\_fisheries@fws.gov](mailto:ak_fisheries@fws.gov) and copy [douglass\\_cooper@fws.gov](mailto:douglass_cooper@fws.gov).*

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**From:** Martin, Kate H <[kate\\_martin@fws.gov](mailto:kate_martin@fws.gov)>

**Sent:** Friday, March 27, 2020 12:39 PM

**To:** Skorkowsky, Robert -FS <[robert.skorkowsky@usda.gov](mailto:robert.skorkowsky@usda.gov)>; Cooper, Douglass

<[douglass\\_cooper@fws.gov](mailto:douglass_cooper@fws.gov)>

**Subject:** Re: [EXTERNAL] ESA Question - Alaska Roadless Rule for the Tongass NF

Hi Robert, Drew may be out today, I'm forwarding this to Doug Cooper, the ES Branch Chief in Anchorage. He can give you guidance on this issue too.

Doug, please see email chain below. Given that there are no listed species under our jurisdiction in Tongass NF, I would agree with their no effect determination, but I want to make sure I'm not missing something.

Thanks,  
Kate

Kate Martin  
Endangered Species Biologist  
Eider Recovery Program  
Fairbanks Fish and Wildlife Field Office  
1011 E. Tudor Road  
Anchorage, Alaska 99503

Teleworking until further notice; please use (907) 888-2243 for calls

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**From:** Skorkowsky, Robert -FS <[robert.skorkowsky@usda.gov](mailto:robert.skorkowsky@usda.gov)>

**Sent:** Friday, March 27, 2020 9:43 AM

**To:** Martin, Kate H <[kate\\_martin@fws.gov](mailto:kate_martin@fws.gov)>

**Subject:** RE: [EXTERNAL] ESA Question - Alaska Roadless Rule for the Tongass NF

Thanks Kate – I called and left Drew a message . If I don't hear from him in the next bit, I may reach out to you again.

I am pretty clear that I have a no effect here and no BA needed, but just want to vet that past someone in FWS



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**From:** Martin, Kate H [[mailto:kate\\_martin@fws.gov](mailto:kate_martin@fws.gov)]  
**Sent:** Friday, March 27, 2020 11:18 AM  
**To:** Skorkowsky, Robert -FS <[robert.skorkowsky@usda.gov](mailto:robert.skorkowsky@usda.gov)>  
**Cc:** Crane, Drew <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)>  
**Subject:** Re: [EXTERNAL] ESA Question - Alaska Roadless Rule for the Tongass NF

Hi Robert,

Thanks for contacting us about your questions. I think the best person for you to talk with is our regional Endangered Species Coordinator, Drew Crane. I primarily work on listed spectacled and Steller's eiders, but could probably help you if Drew isn't available.

I'll cc Drew on this email, and his phone number is 907-786-3323.

Kate

Kate Martin  
Endangered Species Biologist  
Eider Recovery Program  
Fairbanks Fish and Wildlife Field Office  
1011 E. Tudor Road  
Anchorage, Alaska 99503

Teleworking until further notice; please use (907) 888-2243 for calls

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**From:** Skorkowsky, Robert -FS <[robert.skorkowsky@usda.gov](mailto:robert.skorkowsky@usda.gov)>  
**Sent:** Friday, March 27, 2020 9:12 AM  
**To:** Martin, Kate H <[kate\\_martin@fws.gov](mailto:kate_martin@fws.gov)>  
**Subject:** [EXTERNAL] ESA Question - Alaska Roadless Rule for the Tongass NF

Hi Kate – I just left you a message on your cell and I am hoping to speak with you today regarding the Preliminary Final EIS for the Alaska Roadless Rule. This affects the Tongass National Forest in SE AK. I am just stepping into this following the retirement of the program coordinator and trying to help close the loop on this EIS before it is published.

I am teleworking and my cell is 970-819-8980 (note 970 area code not 907)

While I understand the vast majority of this is managed through NOAA (EFH, TE and marine mammals), I want to check confirm our conclusion that there are no anticipated effects to other TEPC species. Our no effect conclusion results in the lack of a requirement to prepare a BA, but given the public interest in this process, I thought it was valuable to check in with FWS and validate our conclusions.

This EIS is essentially a planning document and would not result in on the ground actions. But we can discuss some details on the phone.

Robert



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