



U.S. Department
of Transportation

**Federal Highway
Administration**

Missouri Division

2/18/2015

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In Reply Refer To:
HDA-MO

Ms. Amy Salveter
U.S. Fish and Wildlife Service
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

SUBJECT: Designation of Non-Federal Representative

Dear Ms. Salveter:

Title 50 Code of Federal Regulations, Section 402.08 (50 CFR § 402.08), entitled, *Designation of Non-Federal Representative*, allows Federal agencies to designate a non-Federal representative to conduct Informal Consultation and prepare biological studies on their behalf. The Federal Highway Administration (FHWA), by letter to the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services) dated August 7, 1986, has previously designated Informal Consultation for projects funded by the Federal-aid highway program to the Missouri Department of Transportation (MoDOT). This designation allows for MoDOT to perform certain aspects of consultation, acting on behalf of the FHWA for Endangered Species Act (ESA) consultation, and cannot be further designated to local agencies or their consultants.

Under this designation, and in accordance with Section 7 of the ESA and implementing regulation 50 CFR § 402.08, the FHWA encourages MoDOT to be proactive in Informal Consultation; including modification of the proposed project, where necessary, to avoid or minimize adverse effects. Through Informal Consultation, biological studies and other documentation prepared to assess the effects of Federal actions on listed and proposed species and critical habitats may be submitted by MoDOT directly to the Services' field office. The ultimate responsibility for compliance with all Section 7 requirements pertaining to Federally-funded highway projects remains with the FHWA. Therefore, staff from our office may become involved during Informal Consultations in situations where there is a reasonable potential for adverse effects.

This designation will be periodically reviewed to ensure appropriate procedures and documentation is occurring. If you have any questions concerning this, please contact me at (573) 638-2620, or Raegan.Ball@dot.gov.

Sincerely,

Raegan Ball
Program Development Team Leader

Cc: Gayle Unruh, MoDOT