

Format for Biological Evaluations - NEPA Categorical Exclusions and EAs and Biological Assessments - NEPA EISs

The following is provided as a recommended guideline, although information should be presented in the order identified below. As projects vary in complexity, it is anticipated that the BE/Bas may vary. Development of the BE/BA may not occur in the format order. Rather, it is anticipated that as additional information becomes available during the crafting of the BE/BA, the appropriate sections will be modified. Federally funded or permitted exploratory activities that may affect listed species and take place prior to project implementation must undergo section 7 consultation.

Cover Page: Name of project, location (city, county, etc.), and date.

Table of Contents (all pages must be numbered)

A. Executive Summary

1. Brief summary of project (2 or 3 sentences)
2. In tabular format, identify the species, critical habitat, EFH, status, and effects determinations. If “no effect”, include a brief paragraph for each species (these will not be addressed again.)

B. Project Description

- 1. Location:** Describe construction boundary, mileposts, State, county, TRS (include GPS coordinates if available). Include vicinity map (all maps and photographs must be first generation copies, legible and at a scale to be meaningful to the description of the activity).
- 2. Definition of Action Area:** All areas affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. List all off-site use areas (i.e. materials sources, waste sites, mitigation sites, stockpiling areas, staging) and locations. If the locations are not known, use criteria will be developed in the proposed action.
- 3. Proposed Action:**
 - a. Describe the anticipated steps involved in the action in expected or logical order and include diagrams that are useful. The intent of the proposed action section is to describe both what will be built and how it will be constructed. For example: 1. Dewater by.... 2. Remove old bridge by.... 3. Remove old abutments by... 4. Construct new abutments... 5. In-water equipment will be..... 6. Order of magnitude of quantities... Include description of actions for the entire action area. Describe criteria for off-site use areas which minimize potential effects. If the contractor proposes an alternative construction method other than that described in the BE/BA, concurrence from the Services is required.

- b. Identify Best Management Practices (BMPs), Erosion and Sediment Control, and other measures (i.e. work windows, construction techniques, avoidance) designed to minimize effects in this section.
- c. If sideboards are used for ancillary project components, either detail here or in an appendix.
- d. Describe mitigation, monitoring and reporting plan.

(NOTE: If there are multiple alternatives, different impacts caused by each substantially different alternative must be surveyed and detailed. A matrix is often the best method of depicting multiple impacts and alternatives. If the impacts are the same for each alternative, explain why there is no difference. All alternatives must be addressed.)

C. Description of the species and their habitat

Identify each species. Give brief rationales for “no effect” species if it was not included in Executive Summary. Include the following for species with other determinations (repeat for each species):

1. Consultation with local Fish and Game and/or CNDB, as appropriate
2. Literature reviews
3. Consultation with experts on species, as necessary
4. Descriptions of the species and general habitat requirements
5. Relationship of habitat in the project area to local populations
6. Map of the project area at an appropriate scale to show vegetation types and important biological features, such as habitat for sensitive species, wetlands or unique plant assemblages
7. Photographs keyed to locations labeled on the project map.
8. Species information in Action Area including survey protocol used, by whom, etc
9. Identify designated or proposed critical habitat

D. Environmental Baseline

Describe the past and present effects of human actions on the species or critical habitat in the action area. Describe existing habitat conditions in detail. Use watershed analysis from the BLM or Forest Service where available, Fish and Game, or any other available scientific or commercial databases or information.

E. Effects of the Action: Include discussion of direct and indirect effects relative to all species.

1. Direct Effects - Those effects caused directly by the proposed action (include those based on sideboards). Provide the rationale for each determination.
2. Indirect Effects - Caused by or will result from the proposed action and are later in time, but are still reasonably certain to occur.
3. Interrelated Effects - Those that are part of the larger action and depend on the larger action for their justification.

4. Interdependent Effects - Those that have no independent utility apart from the action under consideration.

5. Cumulative Effects - Those effects of future State or private activities, not Federal activities, that are reasonably certain to occur within the action area.

F. Determination of Effect

Must include a clear statement of effect for each species. Example: “We conclude that the Smith Road Bridge Project may affect, but will not likely adversely affect aquatic species (bull trout, steelhead, and chinook) because the matrix analyses above indicate all matrix parameters will be maintained or improved...” For terrestrial species and plants, summarize the highlights of the paragraph above with a clear explanation leading to a definitive statement of “may affect, but not likely to adversely affect”.

G. References and personal communications cited

Example of citations used in text:

The passive transport of males has also been observed by Leslie Brown (Santee Nature Center, personal communication) near Greenville, Oregon. Such a mating system would maintain genetic diversity in the population only as long as it remains connected (Smith 2001).

Example of Literature Cited:

Smith, D. M. 2001. Genetic subdivision and speciation in the western North American spotted snake complex, *Thamnophis punctatus*. *Evolution* 4:29-35.

Example of Personal Communications (must be documented):

Leslie Brown, Research Biologist

Smith Nature Center

4125 Willowtree Drive

Greenville, Oregon 85194

January 8, 2003 telephone communication (or email, site visit, etc)

BE/BA Checklist

Project _____ **Reviewer** _____ **Date** _____ .

_____ **Cover Page:** Name of project, project and key numbers, location (city, county)

_____ **Table of Contents** (all pages must be numbered)

A. Executive Summary

- _____ 1. Brief summary of project (2 or 3 sentences)
- _____ 2. Species Table with effect determinations

B. Project Description

- _____ 1. Location: description and vicinity map
- _____ 2. Definition of Action Area
 - _____ List of all off-site use areas and locations.
- _____ 3. Proposed Action:
 - _____ a. Detail how the action will occur (anticipated steps and diagrams).
 - _____ b. BMPs and other measures designed to minimize effects.
 - _____ c. Sideboards
 - _____ d. Monitoring and reporting plan.

C. Description of each species and their habitat

- _____ 1. Consultation with local Fish and Game and/or CNDB, as appropriate
- _____ 2. Literature reviews
- _____ 3. Consultation with experts on species, as necessary
- _____ 4. Descriptions of the species and general habitat requirements
- _____ 5. Relationship of habitat in the project area to local populations
- _____ 6. Map of the project area at an appropriate scale
- _____ 7. Photographs keyed to locations labeled on the project map.
- _____ 8. Species information in Action Area including survey protocol used, by whom, etc
- _____ 9. Identify designated or proposed critical habitat

D. Environmental Baseline Project Description

_____ Detailed descriptions

E. Effects of the Action

- _____ 1. Direct Effects
- _____ 2. Indirect Effects
- _____ 3. Interrelated Effects
- _____ 4. Interdependent Effects
- _____ 5. Cumulative Effects

F. Determination of Effect Project Description

_____ A clear statement of effect for each species

G. References and personal communications cited Project Description

_____ Correctly Annotated