

Part 610 – National Environmental Compliance Handbook

Subpart H – Exhibits

610.108 Essential Fish Habitat (Magnuson-Stevens Act) Evaluation Procedure Guide Sheet

ESSENTIAL FISH HABITAT (MAGNUSON-STEVENS ACT) EVALUATION PROCEDURE GUIDE SHEET

STEP 1

Is the proposed action or alternative in an area designated as essential fish habitat (EFH) or in an area where effects could indirectly or cumulatively affect EFH?

If "No," additional evaluation is not needed concerning EFH. **Document the finding on the NRCS-CPA-52 and proceed with planning.**

If "Yes," go to Step 2.

If "Unknown," consult section II of the FOTG for a list or the location of EFH areas and **repeat Step 1.** (Note: Additional information regarding EFH Descriptions and Identifications can be found on NMFS's Web site)

STEP 2

Will the proposed action or alternative result in short-term or long-term disruptions or alterations that may result in an "adverse effect" to EFH? [16 U.S.C. Section 1855(b)(2); MSA Section 305(b)(2)]

If "No," consultation with NMFS and further evaluation is not needed concerning EFH unless otherwise specified by the State biologist. **Document the finding on the NRCS-CPA-52 and proceed with planning.**

If "Yes," go to Step 3.

If "Unknown," consult with your State biologist and **repeat Step 2.**

STEP 3

Can the proposed action or alternative be modified to avoid the potential adverse effect?

If "No," document the effects, including the reasons, on the NRCS-CPA-52. Go to Step 4.

If "Yes," modify the action or activity and repeat Step 2.

STEP 4

Is NRCS providing assistance that would result in the funding, authorization, or undertaking of the proposed action or alternative? (MSA Section 305(b))

If "No," go to Step 5.

If "Yes," inform the client that the NRCS district conservationist or NRCS State biologist must consult with NMFS before further action or activity can proceed (MSA, Section 305(b)(2)). Note: For specific information regarding consultation for EFH, see NMFS "Essential Fish Habitat Consultation Guidance," April 2004, available online.

STEP 5

Is a Federal agency other than NRCS providing assistance that would result in the funding, authorization, or undertaking of the proposed action or alternative?

If "No," an alternative conservation system that avoids the adverse effect must be identified as the proposed action or NRCS must discontinue assistance. If assistance is terminated, indicate the circumstances in the "Remarks" section of the NRCS-CPA-52 or contact the NRCS State office for assistance. (Title 190, General Manual, Part 410, Subpart A, Section 410.3)

If "Yes," document on the NRCS-CPA-52 that the lead Federal agency should consult with NMFS before the action is implemented. Inform the client and proceed with planning.