

## Part 610 – National Environmental Compliance Handbook

### Subpart H – Exhibits

#### 610.139 Biological Evaluation/Assessment Outline

**Biological Assessment/ Biological Evaluation Outline (if used to make ESA Effects Determinations, omit sections that are in parenthesis):**

*For the purpose of making Effect Determinations*

*(Introduction:*

- 1. Species we are consulting on*
- 2. Attachment from USFWS and/or NMFS)*

**I. Project Description, Location and Actions**

1. County
2. Legal Description
3. Watershed
4. Stream
5. What is the proposed action?
6. When will the proposed action occur?
7. How will the proposed action occur?
8. Reference drawings and maps.

**II. Project Objectives**

**III. Description of Listed/Proposed Species**

**Complete for each Species or DCH:**

1. ***Species ESA Status*** (Include References)
2. ***Species Distribution*** (Include References)
  - a. In Project area
3. ***Proximity of the action*** (Include References)
  - a. to the species
  - b. to the management units
  - c. to Designated Critical Habitat
4. ***Distribution*** (Include References)
  - a. geographic areas where disturbance occurs

**IV. Description of the action area:**

1. Describe current habitat at action area
2. Describe current habitat near action area.

**V. Description of the Effects of the Proposed Action on Listed/Proposed Species**

1. Timing: What is the relationship of the action to sensitive periods of a species lifestyle?
2. Nature of the Effect:
  - a) On a species' lifestyle
  - b) Population Size

- c) Population variability
- d) Distribution
- e) Designated Critical Habitat
- 3. Disturbance
  - a) Frequency of disturbance
  - b) Intensity of disturbance
  - c) Severity of disturbance

*(Planning Alternatives Considered)*

**VI. Mitigation Measures and Specifications**

- 1. What are the methods used to avoid short-term adverse effects?
- 2. What are the methods used to avoid long-term adverse effects?

**VII. Determination of Effect**

- 1. State briefly your final determination and rationale.
  - a. **No Effect:** the appropriate conclusion when the action agency determines that its proposed action will not affect listed species or DCH (*no consultation required*).
  - b. **Is not likely to adversely affect:** the appropriate conclusion when effects on listed species expect to be discountable, or insignificant, or completely beneficial.
    - 1) **Beneficial Effect** is the appropriate conclusion for those effects of an action that are wholly positive without any adverse effects on a listed species or DCH.
    - 2) **Insignificant effects** relate to the size of the impact and should never reach the scale where take occurs.
    - 3) **Discountable effects** are those extremely unlikely to occur. Based on best judgement, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur (*Informal Consultation required*).
  - c. **Is likely to adversely affect:** the appropriate conclusion if any adverse effect to listed may occur as a direct or indirect result of the proposed action.
    - 1) **Direct effects:** the direct or immediate effects of the project on the species or its habitat.
    - 2) **Indirect effects:** are caused by or result from the proposed action, are later in time, and are reasonable certain to occur. (*Formal Consultation required*).

**If the decision is** “No Effect,” place documentation in the case file and proceed with action.

**If the decision is** “Not likely to Adversely Affect” informal consultation is necessary.

**If the decision is** “Is likely to Adversely Affect” formal consultation is necessary.