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05/13/02 12:08 PM
EST

To: arlene_wimer@nps.gov
cc:
Subject: BA contents

----- Forwarded by Mary Orms/R2/FWS/DOI on 05/13/02 12:08 PM -----

Mary Orms

05/09/02 11:15
PM

To: ken_mcmullen@nps.gov
cc: Allan Strand/R2/FWS/DOI@FWS
Subject: BA contents

Ken and Arlene,

Attached is a copy of what is titled "FWS Recommendations for Contents of Biological Assessments". How much of it you include in your BA is your call, but hopefully this will help some. There is also a section that discusses BA's in the Section 7 Consultation handbook, I believe in chapter 3. Arlene it was real nice meeting you. Ken thanks for all your help. As you can see its 11:06 p.m. and trying to clean up the desk some and finish drafting your comments. I won't be here tomorrow but I will try to leave it for Allan to review. If neither of us gets it completed and out to you Friday, you will definitely get it Monday the 13th, no later than mid afternoon. I will be back in the office Monday if you have any questions.

Have a good weekend.

Mary

(See attached file: Biological Assessments.wpd)



Biological Assessments.wpd

FWS Recommendations for Contents of Biological Assessments

When you prepare a biological assessment (BA). Keep in mind that the people who read or review the document may not be familiar with the project area or what you are proposing to do. Your BA should present a clear line of reasoning that explains the proposed project and how you made your decisions regarding the effects of the project on threatened and endangered (T/E) species. Try to avoid technical jargon that is not readily understandable to people outside your agency or area of expertise. Remember, this is a public document. Some things to consider and include (if appropriate) in your BA:

1. Describe the action to be considered.

- * This is a key point for a BA. The description should include any related actions which could have environmental impacts. For example, if the proposed project involves associated roads which must be built to allow access to the action area, the impacts of the roads should be included and discussed. Describe alternatives that may be addressed in the Environmental Impact Statement.
- * Include sketches if they will help others understand your proposed action and its relationship with species' habitat.
- * How are you planning on carrying out the project? What tools or methods may be used? How will the site be accessed?

2. Describe the project area.

- * Always include a map, preferably a USGS topo. map. What does the project area look like now (topography, vegetation, condition/trend, etc.)?
- * Describe current operations relevant to the project area. How will your project change the area?
- * Supporting documents (including photographs) are very helpful.

3. a. Describe the T/E species or critical habitat.

- * What T/E species may occur in the project area? The FWS can provide an updated county by county listing of T/E and candidate species.
- * Use your familiarity with the project area when you develop your species list. Sometimes a species may occur in the larger regional area (i.e., county) near your project but the habitat necessary to support the species is not in the project area. However, documentation of your reasoning is helpful and can protect you against lawsuit or appeals.

3. b. Have you surveyed for species that are known to occur or have potential habitat in the proposed project area? Include a clear description of your survey methods so that the reader can have confidence in your results. Answer questions such as:

- * How intensive was the survey? Did you look for suitable habitat or did you look for individuals? Did the survey cover the entire project area or only part of it? Include maps or areas surveyed if appropriate.
- * Who did the surveys and when? Was the survey done during the time of year/day when the plant is growing or the animal can be found (consider diurnal/nocturnal habits and migratory effects)?
- * If you are not sure how to conduct a survey for a species, consider contacting species experts. If you talk with someone about special survey techniques or if you read about them, cite your source(s) in the BA.

4. Provide some background information on the T/E species in the project area.

- * Describe the species in terms of overall range and population status. How many populations are known? How many occur on or near the project site? What part of the population will be affected by this project? Will the population's viability be affected? What is the current habitat condition and population size and status?
- * Describe the related items of past management for the species, such as habitat improvements, or loss of habitat or individuals caused by previous projects.

5. Describe how the project will affect the T/E species that occur in the project area.

- * If you believe the project will not affect the species, explain why.
- * If you think the project may affect the species, explain what the effects might be. The Endangered Species Act requires that you consider all effects when determining if an action funded, permitted, or carried out by a federal agency may affect listed species. Effects you must consider include direct, indirect, and cumulative effects. Effects include those caused by interrelated and interdependent actions, not just the ones that are direct.
- * Describe measures taken to avoid, reduce, eliminate adverse effects or enhance beneficial effects to T/E species. Refer to conversations you had with species experts to achieve these results.

6. What is your decision?

- * Will the project have no effect on T/E species? "No effect" means there are absolutely no effects of the project.
- * Or will the project affect T/E species? If the project may affect listed species, then you must decide whether or not some or all of the effects are adverse. A decision that the project "is not likely to adversely affect" the species means that all effects are either beneficial or are negligible. For a project that has all adverse effects or mixed adverse and beneficial effects to a T/E species, the legally proper conclusion is that the project "is likely to adversely affect". In this case formal consultation with the Service should be initiated.

List the species experts you contacted when preparing the BA but avoid statements that place the responsibility for the decision of "may affect" or "no effect" on the shoulders of the species experts. The decision is made by the federal action agency, which is accountable for its action.