

Special Environmental Concerns Evaluation Procedure Guide Sheet

The following guide sheet may be used to assist in the evaluation of the special resource concerns shown in Part J of the Form KS-CPA-52, Environmental Effects for Conservation Planning. Completion of this guide sheet is not required, but may provide additional documentation that the appropriate processes have been followed.

THREATENED AND ENDANGERED SPECIES

Consult Section II of the electronic Field Office Technical Guide (eFOTG) for a listing of species and their habitats and implementation guidance that will assist you in answering the following questions. If you are still uncertain about the status of endangered or threatened species or their habitats in the planning area and/or impact zone, consult with a Kansas Natural Resources Conservation Service (NRCS) biologist.

STEP 1. Do endangered or threatened species, designated critical habitat, or species that have been proposed for listing as endangered or threatened exist, or could they exist, in the area of the proposed action or activity or the area of potential effects?

NO

YES

UNKNOWN

- a. If your answer is "No," additional evaluation is not needed concerning endangered and threatened species. Document the finding, including the basis for the determination, on Form KS-CPA-52 and proceed with planning.
- b. If your answer is "Yes," go to Step 2.
- c. If your answer is "Unknown," consult Section II of the eFOTG for a listing of endangered and threatened species and repeat Step 1. If you are still uncertain about the status of endangered or threatened species in the planning area, consult your state biologist.

STEP 2. What are the short and long-term impacts of the proposed action or activity on the endangered or threatened species, designated critical habitat or species or habitat, proposed for listing? More than one may apply.

NO EFFECT

MAY AFFECT BUT NOT LIKELY TO ADVERSELY AFFECT

MAY ADVERSELY AFFECT

EFFECTS ARE UNKNOWN

- a. If your answer is "No effect," additional evaluation is not needed concerning endangered and threatened species. Document the finding, including the reasons for your determination on Form KS-CPA-52 and proceed with planning.
- b. If your only answer is "May affect but not likely to adversely affect," document the finding, including the reasons, on Form KS-CPA-52. Go to Step 3.
- c. If your answer includes "May adversely affect," modify the action if possible to avoid adverse effects. If the action can be modified, repeat Step 2. If the action can not be modified, go to step 3.
- d. If your answer is "Effects are unknown," contact the NRCS state biologist for assistance and repeat Step 2.

STEP 3. Will a federal agency other than NRCS provide funding or otherwise control implementation of the action?

NO **YES**

- a. If your answer is “No,” go to Step 4.
- b. If your answer is “Yes,” ensure that potential adverse effects are avoided to the extent feasible, document and describe the effects on the Form KS-CPA-52. Include both short-term and long-term effects. Document on the Form KS-CPA-52 the need for the lead federal agency to consult (if listed species or habitat may be affected beneficially or adversely) or conference (if proposed species or habitat are likely to be adversely affected) with the U.S. Fish and Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration (NOAA) Fisheries, as appropriate. Inform the client and continue planning.

STEP 4. Is NRCS providing financial assistance or otherwise controlling the action?

NO **YES**

- a. If your answer is “No,” and your answer in Step 2 was “May affect but not likely to adversely affect” and there is no possibility of any short-term or long-term adverse effects to threatened or endangered species, designated critical habitat or species or habitat proposed for listing, continue with planning but ensure the client is aware of the effects.
- b. If your answer is “No,” and your answer in Step 2 was “May adversely affect,” inform the client of NRCS policy concerning endangered and threatened species and the need to use alternative conservation treatments to avoid adverse effects on species or their habitat. Further NRCS assistance will be provided only if one of the alternative treatments is selected that avoids adverse effects or the landowner obtains a “take” permit from the USFWS/NOAA Fisheries, as appropriate.
- c. If your answer is “Yes,” and your answer in Step 2 was “May affect but not likely to adversely affect” and the effects are to species or habitat that has been proposed for listing, continue with planning. Neither consultation nor conferencing is required.
- d. If your answer is “Yes,” and your answer in Step 2 was either “May affect but not likely to adversely affect” or “May adversely affect,” inform the client that the NRCS district conservationist or the NRCS state biologist must consult or conference with the USFWS/NOAA Fisheries, as appropriate. The action will only be implemented according to the terms of the consultation. When consultation is completed, reference or attach the consultation documents to the Form KS-CPA-52.