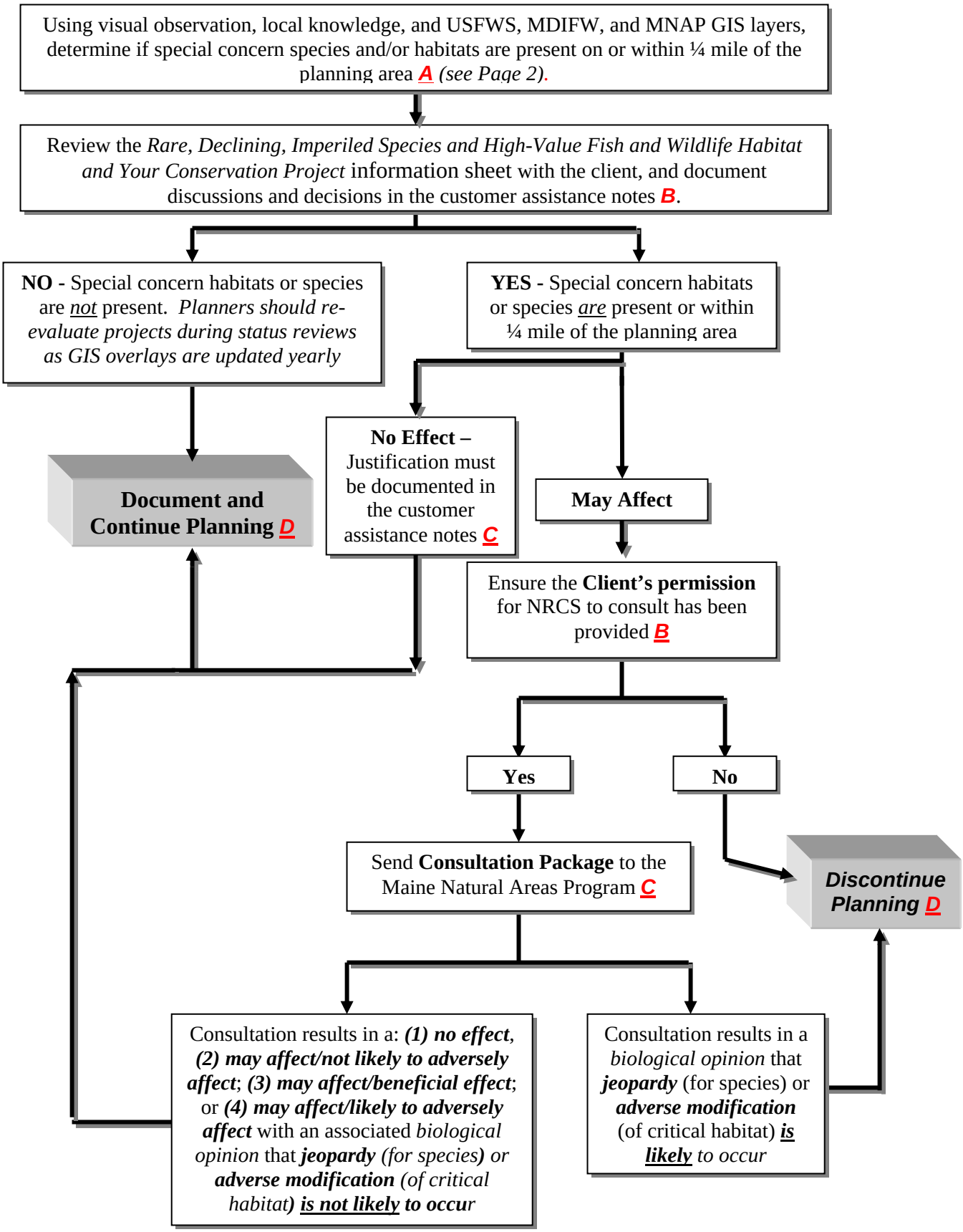
Flowchart

Maine Special Concern Habitat and Species Assessment Procedure



A. (Objective – Special Concern Habitat and Species Inventory Policy)

- Per Maine NRCS Conservation Planning Policy (http://www.me.nrcs.usda.gov/intranet/GM180.html), inventory the planning area (i.e., site where practices are to be installed) for presence of special concern habitats and species on or within a ¼ mile (a.k.a. a "Hit"). Use visual observation, local knowledge and GIS overlays provided by MDIFW, MNAP and USFWS to identify whether species occurrences or habitats (does not include Focus Area boundaries) are or have been present. "Hit" or not, follow the steps outlined in the flowchart on Page 1 and complete the appropriate sections of a ME-ECS-1. *Note: For Atlantic salmon\shortnose sturgeon orCanada lyn, consultation should only occur if a practice "may affect" the species as determined by practice effects matrices located @ eFOTG\Section II\D. Threatened and Endangered Species\1. Conservation Planning.*

B. (Objective – Review Relevant Laws and NRCS Policy with the Client; Seek Client Permission to Consult)

- Planners will review the *Rare, Declining* Imperiled Species . . . information sheet with all clients regardless of whether there is a "hit" or not. NRCS must ask the client's permission to consult, if needed, and permission must be granted (GM, Title 190, Part 410.22(e)(5)(i)(A)) and documented prior to proceeding to C below. Complete the administrative record by documenting all discussions\decisions in the customer assistance notes.
- If there is a "hit" and permissions are not granted, NRCS will discontinue planning if technical assistance provides the basis for NRCS financial assistance and federally and\or state-protected resources may be affected - GM, Title 190, Part 410.22(e)(2), (e)(5)(i)(A), and 5(ii).

C. (Objective – Conduct Consultations as needed)

- NRCS can make a "no effect" determination (no chance of any negative or positive impact); however, the justification has to be based on best available science, and thoroughly documented in the administrative record ⇨ *your customer assistance notes*. The responsible federal official is legally responsible under state and federal law for any unforeseen adverse impacts resulting from NRCS authorized or funded actions.
- For consultations, a ME-ECS-1, location map, special concern habitat and species inventory map, draft conservation plan map with locations of proposed conservation practices are to be prepared and sent to the Maine Natural Areas Program (MNAP). Descriptions of conservation practices should provide enough detail for a reviewing agency to make decisions as to whether impacts, positive or negative, are likely to occur. Email the package to: Maine.NAP@maine.gov .

  a. The Maine Natural Areas Program and Maine Inland Fish and Wildlife determine the effects of the proposed actions for species and habitats protected under the Maine Endangered Species Act (MESA), and indicate whether the client must obtain incidental take permits and mitigate for negative impacts prior to proceeding.
     - A letter from MNAP\MDIFW is received with their effect determinations for state-protected species and\or habitats, management recommendations if needed, and any permit\mitigation requirements.

  b. The MNAP provides consultation documents to appropriate Federal agencies when federally protected species or habitat "hits" occur. Section 7 consultation under the federal Endangered Species Act of 1973 (ESA), as amended, is required. Several outcomes can be expected from Section 7 ESA consultation:
     1. Informal consultation: A letter from USFWS or NOAA is received stating the proposed project will: have "no effect"; "may affect/not likely to adversely affect"; "may affect/beneficially affect" ⇨ *NRCS can continue planning*; or, "may affect/likely to adversely affect" ⇨ *NRCS enters formal consultation*.
     2. Formal consultation: NRCS must complete a biological assessment of the proposed activity (contact NRCS' State Biologist for assistance), and the USFWS and\or NOAA provides a biological opinion.
        - The opinion received indicates that *jeopardy* (for species) or *adverse modification* (of critical habitat) *is not likely*, and, if needed, NRCS is granted limited incidental take under the ESA ⇨ *NRCS proceeds with planning.*
        - The opinion received indicates that *jeopardy* (for species) or *adverse modification* (of critical habitat) *is likely*. ⇨ *NRCS discontinues all assistance*.

  Note: If site conditions or proposed actions change post consultation (e.g., a bald eagle takes up residence within ¼ mile of the property) all NRCS-related activity must stop and consultation re-initiated. Document all outcomes on the ME-CPA-52, or the CPA-52 should refer to the documentation.

D. (Objective – Complete Administrative Record of Inventory, Permissions, and Consultation Results)

- Electronic copies of the ME-ECS-1 and all electronic correspondence is saved in the client's toolkit "Assistance_Notes" folder; all natural resource inventory maps, "hit" or "no hit", shall be saved in the "Resource_Maps" folder. Non-electronic records must be housed in NRCS' copy of the conservation plan.