

LESSER PRAIRIE-CHICKEN BIOLOGICAL OPINION, APPENDIX VII.

Flowchart demonstrating when the LPC Biological Opinion would apply

Use of this flow chart is recommended for all NRCS assistance (TA and FA) within the Action Area as defined by the Biological Opinion (BO) or any area outside the Action Area where there is documented lesser prairie-chicken (LPC) activity or occupation.

Landowner/Participant: _____

Completed by: _____

Date: _____

Is the project located within the LPC Action Area, or is there documented evidence¹ of LPC occupancy?
¹May include (but is not limited to) documentation from CPW, sighting by a reputable source, or physical evidence of LPC use within the last three years.

NO →

The biological opinion does not apply

Justification:

YES ↓

Is current or planned land cover grassland, grass-shrubland or prairie?
 Includes CRP (or similar) even if a monoculture or non-native.
Note: if currently grassland/grass-shrub and it is planned to be converted to non-grassland/shrub, this is not covered by the BO and will require individual conferencing with USFWS.

NO →

The biological opinion does not apply

Justification:

YES ↓

Is the area capable of supporting LPC habitat?
 Considerations: has the site been determined suitable LPC habitat in the CHAT tool? or in the ESD? If unsure, contact a biologist for assistance.

NO →

The biological opinion does not apply

Justification:

YES ↓

Are the acres predominantly agricultural use with no planned developments that would render the site incompatible with LPC life requirements²?
² Refer to the LPC Threats Checklist for more information or contact a biologist.

NO →

The biological opinion does not apply

Justification:

YES ↓

Are all practices to be implemented included in the biological opinion?
 BO includes: 645, 528, 643, 472, 511, 338, 314, 394, 340, 342, 512, 550, 614, 574, 533, 642, 516, 410, 382, 500, 315, 378, 612, 561, 384, 351, 327, and 649.

NO →

Further conferencing with the U.S. Fish & Wildlife Service (USFWS) may be required.

- Document "may effect" LPC on the NRCS-CPA-52, check the box "further action is needed" and then, contact the Area Biologist for assistance.

(GM 190, 410.22 (E)(6))

YES ↓

If yes to all, the Biological Opinion does apply including the conservation measures (and ESA predictability benefits) regardless of landowners desire to participate in LPCI or not.

- A WHEG will be completed for all NRCS assistance,
- Document "may effect" LPC on the NRCS-CPA-52 and state "actions will follow the LPC biological opinion conservation measures".

If the conservation measures will not be followed, then conferencing with the USFWS will be required.

Attach the completed flow chart to the NRCS-CPA-52
 This will provide proper documentation of the decision reached.

Flowchart Applicability. Use of this flow chart is recommended for all NRCS assistance (TA and FA) within the Action Area as defined by the Biological Opinion or any area outside the Action Area where there is documented lesser prairie-chicken (LPC) activity or occupation.

The completed flow chart can serve as NRCS documentation of LPC habitat and to determine if the proposed assistance will need to follow the conservation measures of the Biological Opinion.

Instructions. Answer the flow chart yes/no questions based on the local field conditions and proposed assistance. When an end box is reached, use the notes section to document your decision. Attach any supporting materials, such as photos or project area map with the CHAT overlay. It is important a third party can look at your completed flow chart/documentation and ascertain how you're reached your final conclusion.

- Where the result of this flow chart ends in the box labeled "The biological opinion does not apply"; this flow chart can provide case file documentation that the proposed assistance has "no effect" to LPC. The justification is that LPC habitat either does not occur, or it has been determined (through ESA Section 7 conferencing) that the proposed assistance does not have potential to affect LPC. Attach this to the NRCS-CPA-52 and proceed with planning. Should the planner choose to not use this flow chart for documentation, the decision of "no effect" to LPC must be clearly justified on the Environmental Evaluation (form NRCS-CPA-52).
- For any assistance provided (TA or FA) where the result of this flow chart ends-up in the green box; a properly completed Wildlife Habitat Evaluation Guide (WHEG), for the proper associated habitat type, must be completed. Additionally, all conservation measures of the Biological Opinion shall be followed.
- Where the result of this flow chart ends in the yellow box; further conferencing with the U.S. Fish and Wildlife Service (USFWS) may be required depending upon on if it is a NRCS action (FA or TA) and if the proposed action "may adversely affect" the LPC. It is recommended to contact the Area Biologist to assist in this determination.

Note: the Farm Service Agency is responsible for conferencing on CRP contracted lands.