Individual Biological Assessment

Project Name:
Federal-aid number:
Control Number:

Due to the size and/or nature of this project and the associated possibility of indirect impacts that could not be captured otherwise, the Programmatic Agreement/Consultation process does not apply to this project. Therefore, this document was written as a stand-alone species analysis for the project/study being considered.

The State has determined that this project has no significant impact(s) on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under the NEPA. The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to 23 U.S.C. §326 and the First Memorandum of Understanding dated September 17, 2021, and executed between FHWA and the State.

1. PROJECT LOCATION

Provide one or two paragraphs on the location of the proposed project. This should include route number, milepost limits, project extent, nearby town or city, county and land ownership. This section should also include project location and vicinity maps that are required in the environmental document

* In addition, include the following paragraph at the end of this section:

Throughout this _____, (insert Biological Assessment and Evaluation, Biological Evaluation, or Biological Review) the term "project limits" is used to represent the construction footprint (area of disturbance), while the term "project area" also includes surrounding lands, outside but adjacent to the project limits. The term "project vicinity" is used to denote a more expansive landscape context.

2. PROJECT DESCRIPTION

The project description section will inform the reader of all construction activities and how the proposed project will take place. This section should contain detailed information about the proposed project. This includes but is not limited to the following: scope of work, construction access points, detours, staging areas (if known), acreage for temporary and permanent impacts, anticipated start and completion dates (if known), vegetation removal, any work within waters of the U.S., the level of 404/401 permitting required, etc. In addition, if there are potential noise concerns, include information on the type of construction practices planned and describe the use of heavy equipment, blasting or other loud activities that may be involved.

State whether or not one or more acre(s) of soil will be disturbed. If so, indicate that a 402 permit will be obtained through DEQ and a stormwater pollution prevention plan (SWPPP) will be created and implemented. If the disturbance is within ¼ mile of an impaired or unique water, state so and mention DEQ will review and approve the SWPPP.

If the work involves constructing or proposing a new highway on a new alignment or will provide access where no access was allowed before (i.e, a new traffic interchange), be sure to describe any known development planned for the adjacent area that is entirely dependant on the construction of the roadway for access. Also, describe any future operational or maintenance issues with the new facility or traffic interchange that would exist only because of the construction of the facility.

Provide the sufficient information in order for the reader to understand how the project will be constructed and be able to make the connection between the proposed project and the affects determination.

3. LOCATION DESCRIPTION

Provide a detailed description of the project limits, area, and vicinity. This includes but is not limited to the vegetative community, dominant vegetation, terrain, rivers and washes, wetlands, elevation, soils, roadway and urban features, etc (as applicable) - this is not an inclusive list. Furthermore, some items may be applicable while others are not. For example, it may be necessary to include information about soils, but only if it applies to the habitat requirements of species considered in the document. A clear, concise and accurate location description is

essential to determine potential impacts to species and habitat. If you have photographs of the project area, include them as an appendix to the document if they are needed to support the analysis.

Also describe the current management or activities relevant to the project area. How will the project change the area?

4. SPECIES TO BE EVALUATED INDIVIDUALLY

Common Name	Scientific Name	Status
Species one		
Species two		

.

5. SPECIES EVALUATION

For each species addressed, provide the following:

Life History Information

Describe the species in terms of overall range and population status. Include the species range, distribution/seasonal occurrences in Nebraska, information of documented occurrences near the project area, breeding season, nesting or roosting habitat, general habitat elements, elevation, prey/food requirements, and any other specific habitat requirements or sensitive issues.

Survey History (if applicable)

Describe any known surveys that have been conducted for the species in the general area of the project and if any habitat, general presence/absence or protocol species surveys have been conducted for the project. Describe survey results and dates of surveys. This would include past and current surveys.

Habitat Evaluation and Suitability

Describe the habitat occurring within the project area and whether or not there is suitable habitat for this species. Note if Critical Habitat is present or absent; if suitable habitat is present; and distance to known occurrences or suitable habitat from the project area. If Critical Habitat is present state whether or not primary constituent elements of the Critical Habitat are found within the project limits.

Analysis and Determination of Effects

If you believe the project will not affect a species or critical habitat, explain why. “Not known to occur” or “Not observed during a survey” does not mean the project has no effect to the species.

Provide a detailed discussion as to why the proposed project will not affect the species. "No effect" is the appropriate conclusion if there is NO effect.

If there is suitable habitat for a species that needs to be avoided during construction it may need to be specified through avoidance mitigation, even if the project plans do not show an impact to the location. Some examples would be plants within the right-of-way, habitat within a known distance of a nest, etc. This is to ensure staging or project change orders do not impact the location. For example, this can be accomplished by specifying avoidance areas on plans, stating that no trees greater than 4 inches DBH can be removed, all construction activities will be limited to the pavement only between MP X and Y, etc. Do not specify an exact location where staging can occur; however, it would be acceptable to stipulate that staging needs to occur within existing pullouts. Coordinate all non-standard mitigation with NDOT Environmental, the NDOT District, and the NDOT PM biologist before document submittal.

If you believe the project **MAY AFFECT** or impact a species or critical habitat, explain what the effects might be. Remember to ask yourself "is it reasonable to assume that within the foreseeable future there could be a take of this species as a result of this project"? What part of the population will be impacted by the project? How much habitat will be lost, and will it be long term or short term? Are there noise impacts? If mitigation is recommended for this species, include it here. The Endangered Species Act requires you to consider all possible effects when determining if an action that is funded, permitted, or carried out by a federal agency may affect a listed species. "May affect, not likely to adversely affect" is the appropriate conclusion when the effects to a species or its critical habitat are likely to be: wholly beneficial, discountable, or insignificant. "May affect, likely to adversely affect" is the appropriate conclusion when an action is likely to directly or indirectly have an adverse effect on a listed species or its critical habitat.

If more than an acre of soil will be disturbed, include an analysis of potential affects to species that may result from the installation, use and maintenance of possible Best Management Practices (BMP's) called for in the stormwater pollution prevention plan. For example, consider if there are protected plants or food/shelter plants that could be impacted by the installation of BMP's, discussion of the use of BMP's to prevent pollution of waters/aquatic ecosystems, the possible short term barrier to movement by BMP's for small species, etc.

If the work involves constructing or proposing a new highway on a new alignment or would construct a new traffic interchange, be sure to discuss possible future operational or maintenance actions that could impact listed species. In this instance, if there are measures that could be implemented during the construction of the facility that could alleviate those impacts, include them as conservation measures (i.e, installation of appropriate wildlife fencing and crossing accommodations to address fragmentation or connectivity concerns or through acquisition of conservation easements). If there are not measures that could be implemented as part of the actual project, include recommendations for the future management of the facility to alleviate impacts. These recommendations would be provided to the agency responsible for the long-term management of the facility.

If there is critical habitat adjacent to or within the project area, please be sure to not only provide an effects analysis for the species in question, but also an effects analysis for the critical habitat.

Effects you must consider for all species include:

Direct effects - caused by the action and occur at the same time and place as the action.
Indirect effects - caused by the action and are later in time, but are reasonably certain to occur.
Interrelated actions - those that are part of a larger action and depend on the larger action for their justification.
Interdependent actions - those that have no significant independent utility apart from the action under consideration.
Cumulative effects – For listed species, cumulative effects are the effects of future state or private activities, not involving federal activities that are reasonably certain to occur within the action area of the federal action subject to consultation.

Determination

In making your determination of effect to listed species follow these options:

Threatened and Endangered – Finding Possibilities:

1. "… will have no effect to the [species name] or its habitat"
2. "… may affect the [species name] but is not likely to adversely affect the [species name] or its habitat"
3. "… may affect the [species name] and is likely to adversely affect the [species name] or its habitat"

Proposed Species – Finding Possibilities:

1. "… will have no effect on [species name] or its habitat"
2. "… will have a beneficial effect on [species name] or its habitat"
3. "… is not likely to jeopardize the continued existence of the [species name] or result in the destruction or adverse modification of habitat"
4. "… is likely to jeopardize the continued existence of [species name]" or
   "… is likely to result in the destruction or adverse modification of habitat"

Candidate and Sensitive Species – Finding Possibilities:

1. "… has no impact on the [species name]"
2. "… has a beneficial impact on the [species name]"
3. "… may impact individuals of [species name], but is not likely to result in a trend toward federal listing or loss of viability"
4. "… is likely to result in a trend toward federal listing or loss of viability for the [species name]"

Critical Habitat - Finding Possibilities (projects with a Federal nexus only):

1. "…will have no effect to (designated, proposed) critical habitat for the [species name]"
2 ."…is not likely to result in destruction or adverse modification of _____(designated, proposed) critical habitat for the [species name]"
3. "…is likely to result in the destruction or adverse modification of _____(designated, proposed) critical habitat for the [species name]"

6. CONSERVATION MEASURES (if applicable)

Describe measures taken to avoid, reduce, or eliminate the potential effects to species as a result of this project. Write these mitigation measures exactly as they should appear in the final

clearance document. Coordinate with the NDOT PM, Local Government contact (if applicable), and NDOT district to ensure measures are implementable and enforceable before documenting within this document. This is NOT the same as allowing the District, PM or Local government to decline implementing conservation measures.

7. COORDINATION

List contact names from NGPC, USFWS, federal land managing agencies, project specific personnel, and other individuals contacted or who provided information regarding the project. Include a statement that applicable land managing agencies were scoped for species concerns during the NEPA or environmental review process. State what their concerns were and if they wanted to review the document or simply receive a courtesy copy.

8 LITERATURE CITED

Provide a complete reference section for information cited in the text of the BA.

9. ADDITIONAL INFORMATION

This section should contain a statement that field notes, photographs, etc., are in the consultant project file and at the Nebraska Department of Roads Environmental Services Office.

10. SIGNATURES

This Biological Assessment was prepared by:

_____	_____	_____	_____
Signature	Printed Name	Title&Agency/firm	Date

This Biological Assessment was reviewed by the following NDOT Environmental Section reviewer to ensure adequacy of analysis and an accurate description of the scope of work (*can not be the preparer)*:

_____	_____	_____	_____
Signature	Printed Name	Title	Date