

Instructions for Completing the Biological Evaluation Form for Local Federal Aid Projects

Complete the Biological Evaluation (BE) Form in its entirety and submit it, along with all required attachments listed below, to the appropriate NDOR LPD Project Coordinator for processing.

If you have questions, contact: Zach Cunningham, NDOR LPA Environmental Biologist, (402) 479-4464, Zach.Cunningham@nebraska.gov.

1. State the Project Description

Describe the project details up to date at the Plan-in-Hand stage (*you must use at least 30% plans; more advanced plans are also acceptable*). Please see the guidance in the LPA manual on how to write a project description. Please include all activities that have been identified on the Activity Checklist, found at the bottom of the Biological Evaluation (BE) Form, in your project description. This project description must be the same as the project description that will be used on the NEPA Determination Form. If there is a change in the project description, notify the NDOR LPD Project Coordinator of the change, as a new project description may be required to be submitted.

Items to Include in the Project Description:

- Discuss the process of the project construction.
- Where will the project take place?
- What are the limits of work?
- What activities will take place as part of the project?

Example Project Description for a bike trail project:

The hike/bike trail begins at the west end of Hastings and runs approximately 7.14 miles along the abandoned Union Pacific Railroad ROW to the east end of Juniata. The trail will be 10-foot wide limestone rock trail with six preexisting bridges. Three bridges will have handrails added, two bridges will have wooden decks installed, and one bridge will have the existing wood supports above the steel structure beefed up. The existing ballast will be graded flat and limestone placed over the top.

Construction work will take place on the existing railroad ballast and bridges. Activities involve bridge deck repair, bridge rail repair/replacement, clearing and grubbing, guardrail repair with soil disturbance, rock or gravel surfacing, sidewalk and bikeway, signs without soil disturbance and survey and staking. The bridge deck repair will include adding structural members to strengthen existing ties on one bridge and adding wooden decking for two bridges without ballast decks; bridge rail repair/replacement will include new wooden handrails on three bridges; clearing and grubbing will include removing trees and brush for clearance for the trail; guardrail repair with soil disturbance will include installation of the posts and handrail off the ends of the bridge decks; rock or gravel surfacing will include laying crushed limestone and/or asphalt millings for the trail; sidewalk and bikeway includes a 10-foot wide hike/bike trail; signs without soil disturbance will include driving stop signs, hike/bike signs and other signs, as necessary, for the trail project and surveying and staking will include the necessary surveying and staking to design and construct this trail project.

Construction will take place on existing railroad grade and structures. This elevation is above ordinary high watermark. All equipment will stay on the railroad grade. The only soil disturbance will be the post holes for the handrail that extends off the bridge deck. Hazard materials (*petroleum products, other chemicals*) will be stored offsite and equipment will be fueled daily on or offsite as necessary.

2. Length of Project and Detours

This section must be completed to indicate if the project length and whether or not the project will likely require a traffic detour. Answer the questions 2. a. through d. to indicate if there will be a traffic detour and any construction activities/improvements associated with the detour route.

3. The Activity Checklist (*this is the table found in the Biological Evaluation*)

Fill out the Activity Checklist completely identifying all activities that are affiliated with the project. You must include all activities you checked “yes” in this table in the project description. For any activities associated with the project that are not included in the checklist, list them in the table below the checklist. **See the Sources of Definitions below for use in completing the Activity Checklist.**

4. Habitat Description

Describe the habitat in the vicinity of the project and include any information that would help NDOR complete the review.

5. Bald and Golden Eagle Habitat Description

Provide a description which includes the following details about the project:

- Is the project located along a riparian corridor with large trees?
- Describe the project site’s location and landscape – provide photos to help explain.
- Does the site have appropriate habitat for either species?
- Do not state that there will or will not be impacts to eagles. NDOR will make that determination.

Example:

This project is located within one-half mile of the Platte River, and the project area contains mature woodlands.

6. Fish and Wildlife Coordination Act

- Is it anticipated that a U.S. Army Corp. of Engineers (*USACE*) 404 Permit will be required for the project?
- **Insert the following statement if there is not a 404 permit necessary, and make no further comments:** This project, as proposed, will not require a Section 404 Permit from the Corps of Engineers.

7. Habitat Impacts

Provide a description of any impacts to habitat or the surrounding environment, including the following details about the project:

What will the project impact?

- Are there any wetland impacts based on at least 30% plans?

- If yes, state the amount and location of wetland impacts, including a total for the project.
- Are there any stream channel impacts based on at least 30% plans?
- If yes, state the amount and location of channel impacts, including a total for the project.
- Will trees or brush be impacted/removed as part of the project?
- Will grading or soil disturbance be conducted as part of the project?
- How will impacts be avoided or minimized to the extent possible?
- Is mitigation anticipated for the project?

If project impacts change (e.g., increase in wetland/stream/channel impacts, change in location of tree removal or soil disturbance, work outside the original project footprint) notify the NDOR LPD Project Coordinator of the changes.

8. Biological Evaluation (BE) Form Attachments:

a. Location Map

Attach a location map which **includes all of the following**:

- Start and End points for this project
- County Name
- A Nebraska State map showing the county the project is located in (*see the attached example map*)
- Project Name, Control Number, and Project Number
- One Point of Reference such as intersection (*35th St. and Hill Ave.*), or highway number, or county road number, or Section-Township-Range, or towns/cities nearby.

b. A Detour Map

- If the project will likely require a detour then attach an aerial location map which clearly marks the project limits and the detour route

c. Wetland Review Documentation

A review of wetland and stream impacts must be evaluated and documented and the documentation must be attached to the BE Form. The level of documentation and review requirements are located in the Wetland Review Requirements for Federal Aid Transportation Projects document which can be accessed on the NDOR Downloadable Forms Website: <http://www.dor.state.ne.us/gov-aff/downloads.htm>. If the project requires a “Qualified Scientist” to complete the wetland determination/delineation then that individual must meet the “Qualified Scientist” qualifications are located in the LPA Manual. Wetland and stream impacts must be evaluated based on at least 30% project plans (*plans at a more advanced stage are also acceptable*). “Qualified Scientist” qualifications are located in the LPA Manual.

If the project required a Wetland Determination or Delineation then the following must be included in the documentation attached to the BE Form:

1. Wetland and stream impacts in the wetland delineation report/wetland determination checklist must be calculated using the maximum construction project footprint to overestimate rather than underestimate stream and wetland impacts.
2. The Wetland Delineation Report must state if it is anticipated wetland mitigation will be required.
3. Contact information for the individual that completed the wetland determination checklist or wetland delineation report and contact information of individual(s) that conducted site visits (*include name, title, company, phone, and email*).

d. Site Photos

Attach any site photos of the project location and nearby habitat.

e. Aerial Photos

If aerial photos of the project location/corridor are available, please attach them.