

# Instructions for Completing 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](mailto: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 the project description changes, notify the NDOR LPD Project Coordinator of the change, and a new project description may be required.

### Items to Include in the Project Description:

- What will the project impact? (*Wetlands? Trees? Channel?*)
- How were the impacts avoided or minimized to the extent practicable?
- State the largest impact to wetlands and streams this project could have
  - This comes from a wetland delineation report that estimates wetland and stream impacts based on the maximum construction project foot
- Will there be mitigation required for this project (*is it anticipated*)?
- Discuss the process of the project construction

### Example Project Description for a bridge expansion project:

A new bridge over Goose Creek will be expanded with a 2-span 106-ft long Deck Plate Girder-Ballast Deck (CPG-BD). Construction work will take place on the existing structure. No impacts are anticipated to waters of the U.S. as activities involve driving piles which are not acting as fill. These activities will not impede animal or fish movement and will not reduce current channel width (*Attach Plan Drawings*).

Construction will take place on existing structure (*or above ordinary high water mark*). Heavy equipment will not be driven through the streambed. Revegetation of the stream banks will be completed as soon as possible following construction activities. Best management practices such as silt fences and/or hay bales will be employed in areas near Goose Creek during construction to prevent erosion. Hazardous materials (*petroleum products, other chemicals*) will be stored offsite and only small amounts for immediate use will be used on the site. The proposed project will have a maximum of 0.27-acres of emergent wetland situated in the ROW near Goose Creek. A USACE 404 Permit will be obtained for this project if required prior to project letting.

## 2. Habitat Description

Describe the habitat in the vicinity of the project and include any information that would help NDOR complete the review. Include any surveys, known records, sightings, etc. of threatened and endangered species. For example, if you are aware that whooping cranes roost near your project, include the distance from the roost site.

## 3. 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?
- Look at the Technical Assistance letter as you evaluate if habitat exists for the species.
- 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.

## 4. Fish and Wildlife Coordination Act (FWCA)

### **Wetlands, Streams, Riparian Habitats**

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

- Is it anticipated that a U.S. Army Corp. of Engineers (USACE) 404 Permit will be required for the project? Only projects that will require a 404 permit require comment.
- **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.
- What will the project impact? (*Wetlands? Trees? Channel?*)
- How were the impacts avoided or minimized to the extent practicable?
- List the amount of impacts to wetlands and/or waters of the U.S.-from the wetland delineation/wetland determination checklist
- Is mitigation anticipated for this project?

## 5. 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.

## 6. Required 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
- Project Name, Control Number, and Project Number
- One Point of Reference such as intersection (*35<sup>th</sup> St. and Hill Ave.*), or highway number, or county road number, or Section-Township-Range, or towns/city's nearby

**B. A Wetland Delineation Report or Wetland Determination Checklist**

A "Qualified Scientist" must complete a wetland determination/delineation for the project based at least 30% plans (*plans at a more advanced stage are also acceptable*). "Qualified Scientist" qualifications are located in the LPA Manual. The wetland delineation report or a wetland determination must be attached to the Section 106 template and contain the following details.

**Wetland Delineation Report and Wetland Determination Checklist Requirements:**

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*).

**C. Site Photos**

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