

**Title 190 – General Manual
Part 410 – Compliance with NEPA**

ME410.22E – NRCS Policy

(5)(iii) Informal section 7 Endangered Species Act (ESA) consultations with the United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS) (hereinafter referred to as “Services”) on development and use of species practice effects matrices have concluded. When these federally listed species and/or their mapped critical habitat is located within ¼ mile of a proposed NRCS action, the Responsible Federal Official (RFO) or their designee will use species practice effects matrices to evaluate potential practice impacts to these ESA protected resources. Species practice effects matrices are located in eFOTG under Section II/Conservation Planning/Threatened and Endangered Species. The following instructions for use of the matrices and documentation of their use apply.

1. Effects determinations will be documented on a ME-ECS-1, and the form filed or processed as directed by form instructions.
2. If a proposed action will have “no effect’ on species or mapped species critical habitat, NRCS may proceed with the proposed action.
3. A practice may only be determined to “Not Likely to Adversely Affect (NLAA)” species or their critical habitat as long all general criteria and practice specific criteria in the matrix will be achieved.
 - If a NLAA determination is justified and made by the NRCS, the RFO will document use of the practice effects matrix to justify a NLAA determination on the ME-ECS-1. No further interagency consultation with the Services is needed.
 - The RFO shall document conservation practices are implemented according to matrix criteria to avoid adverse effects to listed species or critical habitat. If a client refuses to comply with ESA requirements, NRCS shall withdraw technical and financial assistance.
 - The RFO will forward the number of NLAA determinations made using the practice effects matrices for both Canada lynx and for listed fish species. The RFO in each affected county will forward this data to the NRCS Biologist no later than the last week of the federal fiscal year.
 - The NRCS Biologist within a week of receiving all complete dataset will forward compiled spreadsheets of NLAA determinations made by NRCS for Canada lynx and listed fish species to the Services.
 - On an annual basis there will be a minimum of five plans and practice quality reviews completed. The reviews will document whether matrix criteria required to achieve the NLAA standard were properly planned and implemented. Plans and practices chosen for review will be made by the Services.
4. If any criteria and conditions needed to meet the NLAA standard for a practice are not attainable OR if the practice is determined as “Likely to Adversely Affect (LAA)” listed species or species critical habitat, NRCS shall initiate section 7 interagency ESA consultation with the appropriate Service.