



Natural Resources Conservation Service
210 Walnut Street, Room 693
Des Moines, IA 50309-2180

May 23, 2012

IOWA INSTRUCTION 190-385 – THREATENED AND ENDANGERED SPECIES
HABITAT EVALUATION IN SITUATIONS WHERE
CLIENTS INTEND TO CLEAR TREES OR
HERBACEOUS NATIVE VEGETATION

IA385.0 PURPOSE

This Iowa Instruction provides direction on the use of threatened and endangered species habitat evaluations for situations where clients have communicated intent to clear trees or herbaceous native vegetation.

This Instruction replaces Iowa Instruction 190-384 which was issued on March 2, 2012.

IA385.1 SCOPE

These instructions will be followed by all NRCS employees when completing Sodbust determinations or when an applicant requests conservation planning assistance for lands converted prior to a Sodbust determination.

IA385.2 FILING INSTRUCTION

This Iowa Instruction will be posted on the Iowa NRCS Employee Website, which can be accessed at <http://www.ia.nrcs.usda.gov/intranet/> under the Iowa NRCS eDirectives System section.

IA385.3 EXHIBITS

See attachments.

/s/Richard Sims
State Conservationist

Attachments

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(IA Instruction 190 – 385 First Edition – May 2012)

Helping People Help the Land

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1. PURPOSE:

This Iowa Instruction provides direction on the use of threatened and endangered species habitat evaluations for situations where clients have communicated intent to clear trees or herbaceous native vegetation.

This Instruction replaces Iowa Instruction 190-384 which was issued on March 2, 2012.

2. EXPLANATION:

Natural Resources Conservation Service (NRCS) Threatened and Endangered Species Policy states that NRCS cannot provide conservation planning assistance with alternatives that would have an adverse effect on state or federally protected species or their habitats. In adherence with this policy, field office staffs are to account for potential impacts to threatened or endangered species during conservation planning assistance for land on which the client has communicated intent to clear trees or herbaceous native vegetation. This accounting will provide for the procedures outlined in this instruction.

Approved By:

Date: 05/24/2012

/s/Richard Sims
State Conservationist
Natural Resources Conservation Service
210 Walnut Street, Room 693
Des Moines, IA 50309-2180

Introduction

Natural Resources Conservation Service (NRCS) Threatened and Endangered (T&E) Species Policy is found in GM_190_410_B_410.22, Amend. 24, July 2011. Under this policy NRCS cannot provide conservation alternatives that would have an adverse effect on state or federally protected species or their habitats. The U.S. Fish and Wildlife Service is responsible for enforcing the federal Endangered Species Act (16 U.S.C. 1531 *et seq.*) and the Iowa Department of Natural Resources is responsible for enforcing the states' endangered species law (Endangered Plants and Wildlife; Chapter 481B of the Code of Iowa).

Iowa NRCS has developed habitat evaluation tools that will help identify potential endangered or threatened species habitat. This identification will occur during Step 3 of the conservation planning process.

Highly Erodible Land (HEL) Determinations

NRCS will complete HEL determinations in response to the receipt of an AD-1026 form from the Farm Services Agency (FSA). If the land is determined to be HEL, potential impacts to threatened or endangered species will be considered during the conservation planning process as described in the next section.

After the HEL/NHEL determination is completed the client will be asked if they would like to receive conservation planning assistance. If conservation planning assistance is not requested, the client will be given a copy of the "Protect Threatened and Endangered Species" flyer (Attachment 1) and this will be noted on the CPA-15. If the client requests conservation planning assistance, consider potential impacts to threatened or endangered species as described in the next section.

Conservation Planning

T&E species habitat will be accounted for during the conservation planning process. The Step 1 Baseline Assessment tools found in the NRCS-FWS Programmatic Consultation (PC) will be used for this purpose on both woodland and herbaceous sites. Note the findings from the Step 1 Assessment in the CPA-52.

If upon completion of the Step 1 Baseline Assessment it is determined that suitable habitat may be present, only those conservation plan alternatives that will have no adverse effect on T&E species (*no effect*) will be provided to the client.

If the client chooses alternatives that will not have potential to affect T&E species, this will be noted in the conservation plan document, the CPA-15 Conservation Assistance Notes and the CPA-52 Environmental Evaluation.

If the client communicates intent to proceed with actions that have the potential to adversely affect T&E species, NRCS technical assistance will be suspended. The NRCS state biologist will be contacted. In addition, the client will be provided with a

copy of the “Protect Threatened and Endangered Species” flyer (Attachment 1) that refers the client to the USFWS for consultation under Section 10 of the Endangered Species Act.

A Special Instruction for Herbaceous Sites

To aid in identifying suitable herbaceous habitat, an “Herbaceous Habitat Assessment Job Sheet” (Attachment 2) has been developed and incorporated into question 4 of the NRCS-FWS PC Step 1 Baseline Assessment Database.

If upon completion of the Herbaceous Habitat Evaluation Job Sheet it is determined that no suitable habitat is present, a “no effect” determination will be documented in the CPA-15 Conservation Assistance Notes and in the CPA-52 Environmental Evaluation. Attach the Herbaceous Habitat Evaluation Job Sheet with a spring color-infrared ortho conservation plan map to the CPA-52.