

The following Consultation Feedback Review documents are intended to assist with the review of the Biological Assessment (BA) and Consultation Process.

The **BA Template Checklist (1st tab)** should be used to document the review of the BA document by the designated Provider (typically either the Qualified BA Consultant or ODOT primary author). If the BA is authored by a consultant, this form should be filled out and included with the BA submittal to ODOT. A Reviewer (ODOT Staff) would also use this Checklist and indicate if there is concurrence with the Providers assessment.

Comment Sheet (2nd tab) - All comments (by the Provider or Reviewer) should be included on the Comment Sheet. Additional comment pages may be used if needed.

Once the BA Template Checklist and Comment Sheet have been completed by the Provider and Reviewer the entire BA package including the Checklist and Comment Sheet should be submitted to the Services (USFWS and/or NMFS).

Consultation Feedback Review (CFR) (3rd tab) - Using the entire BA package, the Services will complete the CFR Form and will score the BA based on the completeness of information presented in each section of the BA and the overall consultation process.

Exceptions: ODOT recognizes that occasionally an incomplete BA will need to be submitted to the Services because of individual project circumstances. If this is the case with your BA please indicate the type of information that is missing along with the status of the missing information. This should be indicated within the text of the BA as well as in the Comment Sheet. In this instance the CFR will only be used once the application package is complete.

BA Template Checklist

To be completed by Provider and Reviewer

	Provider			Reviewer	
	YES	NO	N/A	YES	NO
1. Introduction					
1.1 Purpose and Need					
Is the purpose and need clearly stated and consistent with the project description?					
1.2 Project Background					
Does the BA:					
a. Include supplemental information (NEPA documents or other supplemental information)?					
b. List Federal action agency authority/discretionary role (Federal Nexus)?					
i. Identify lead Action Agency in the case of multiple Federal Agencies?					
ii. Identify the applicant and/or the designated non-Federal representative?					
c. Document relevant correspondences (pre-consultation)?					
d. State the status of the project (i.e. new project, re-initiation, a project phase) and include project background?					
e. Was the project location and its geographic relationship with the water body or other habitats of concern described?					
1.3 Species and Critical Habitat					
a. Are any of the specific proposed or designated critical habitats also being addressed by the BA?					
2. Evaluation Methods					
2.1 Analytical Framework					
a. Did the BA state the factors or methods considered when evaluating impacts, baseline conditions or other sections of the BA and list the analytical tools/frameworks used?					
2.2 Information Gathering					
a. Were the inventories or methods used to gather information stated?					
3. Project Description					
3.1 Project Area and Sequencing					
a. Does the BA include a complete but relevant project description?					
b. Were the project components/proposed actions described by each logical element with relevant and appropriate detail to understand the potential effects?					
c. Was a brief introduction of conservation measures included for each project component as applicable?					
3.2 Interdependent and Interrelated Actions					
a. Were any interdependent or interrelated actions described with relevant and appropriate detail to understand the potential effects?					
3.3 Mitigation and Monitoring					
a. Was any required mitigation or monitoring to satisfy an additional regulatory authority needed and described with relevant and appropriate detail to understand the potential effects?					
b. Describe offsetting activities/actions (i.e. activities to offset long-term unavoidable adverse effects)?					
3.4 Action Area					
Does the BA:					
a. Describe the project area, action area and discuss the differences between the project area and action area?					
b. Include a map of project site and action area?					
c. Discuss previous or ongoing projects within the action area?					
4. Natural History and Species Occurrence					
4.1 Site Specific Biological Requirements and Context					
a. Was information on populations of listed species that occur in the project or action area included?					
b. Was the above information applicable to the populations for the entire ESU/DPS in question?					
c. Did the BA include a description of ongoing monitoring efforts with respect to local population?					
d. Population viability (i.e. survival rate for a given life stage) of the species?					
e. Necessary habitat conditions (i.e. functional habitats) of the species?					

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	Provider			Reviewer	
	YES	NO	N/A	YES	NO
f. Current and historic pressures or reasons for listing the species, including factors for species decline?					
4.2 Site Specific Critical Habitat Context					
a. Was designated critical habitat identified within the action area (appropriate CFR notice cited)?					
b. Identify designated critical habitat?					
c. Was specific primary constituent elements (PCEs) within the action area presented as identified in the final rule (appropriate CFR notice cited)?					
4.3 Site Specific Limiting Factors for Recovery					
a. Were limiting factors of listed species as it relates to the effects of the proposed action(s) discussed?					
b. Identify draft or final recovery plans, species status report, or other recovery tools as appropriate/available?					
c. Include the range wide trend of species?					
5. Environmental Baseline Conditions					
Existing Baseline Conditions					
Does the BA include:					
a. Baseline condition description (relationship between habitat and species biological requirements)?					
b. Baseline condition justification including:					
i. Surveys or inventories of habitat quantity and quality within the action area?					
ii. Discussion of the relationship of the baseline conditions and the species requirements?					
iii. Discussion of the relationship of the baseline conditions relative to properly functioning conditions?					
iv. Aerial photographs or general photographs depicting baseline conditions?					
c. A description of impacts of previous actions on species and habitat?					
d. A detailed description of habitat features that may be affected by the action?					
e. Evidence that the baseline is supported by as much data as reasonably available?					
6. Analysis of Effect of the Action					
6.1 Direct Effects					
Does the BA:					
a. Describe the likely effects on each species and designated critical habitat?					
b. Describe the temporal and spatial limits of the effects, including species tolerances, severity of the effect, severity of effect, expected habitat loss, etc?					
c. Demonstrate use of logical framework for analysis such as the 'Habitat Approach' and the Matrix of Pathways and Indicators' relevant to direct effects?					
d. Explain what the conservation measures and offsetting activities are, and how they will avoid, minimize, and offset those direct effects?					
e. Discuss what the critical habitat effects should be in terms of the specific PCEs found within the action area and the potential for the project action(s)/activity(s) to alter the conservation value of the critical habitat?					
f. Present the effects of the interrelated or interdependent actions described in section 3.1 vii. Above?					
6.2 Indirect Effects					
For indirect effects, does the BA:					
a. Describe the likely indirect effects on each species and designated critical habitat?					
b. Describe the temporal and spatial limits, including species tolerances, severity of effect, expected habitat loss, etc?					
c. Use logical framework for analysis such as the 'Habitat Approach' and the Matrix of Pathways and Indicators'?					
d. Explain what the conservation measures/offsetting activities, and how they will avoid, minimize, and offset effects?					
e. Discuss critical habitat effects in terms of the specific PCEs found within the action area and the potential for the project action(s)/activity(s) to alter the conservation value of the critical habitat?					
f. Present the effects of the interrelated or interdependent actions described in section 3.1 vii. Above?					

BA Template Checklist

To be completed by Provider and Reviewer

	Provider			Reviewer	
	YES	NO	N/A	YES	NO
6.3 Effect of the Proposed Action on Tribal Resources or Interests					
a. Did the BA discuss any potential interactions of the proposed action with Tribal resources or interests?					
6.4 Estimating Take					
a. Did the BA reiterate the project effects from above that result in measurable take?					
b. Was the number of individual listed species affected (lethal or sub-lethal take) estimated?					
c. Did the BA describe the habitat loss that is either temporary or permanent (e.g. amount of stream disturbed, riparian habitat loss, new impervious surface, or amount of additional turbidity, etc.)?					
d. Did the Contractor/ODOT Biologist use appropriate metrics that can be tracked and reported?					
6.5 Cumulative Effects					
a. Does the BA include a detailed description of future significant non-federal actions in the project vicinity which will likely result in effects in the action area including information from planning documents, land use agencies, transportation plans, and economic or development trends?					
7. Avoidance, Minimization and Conservation Measures					
a. Did the BA discuss how the conservation measures will avoid and minimize potential adverse effects and if any beneficial actions will be implemented to offset remaining adverse effects in the analysis of effect?					
7.1 Standard Specifications (significant excerpts)					
a. Was each Standard Specification that will be used as a conservation measure listed and described?					
7.2 Amendments to Standard Specifications					
a. Did the BA discuss project specific contract special provisions in this section?					
7.3 Non-Contractual Obligations and Agreements					
a. Did the BA describe any obligations or agreements that exist between ODOT and the agencies?					
7.4 Summary of Avoidance, Minimization and Conservation Measures					
a. Did the BA summarize any avoidance, minimization, conservation measures, obligations or agreements that exist between agencies?					
8. Finding of Effect					
a. Did the Contractor/ODOT Biologist discuss the effects determination or finding of effect for each species and it's associated designated critical habitat ? <i>Note: Potential effects determinations should be identified for proposed species or critical habitat for conferencing.</i>					
8.1 Species X					
a. Does the BA present in a summary the effects of the proposed action on the species?					
8.2 Species Y					
a. Does the BA present in a summary the effects of the proposed action on the species?					
8.3 Critical Habitat X					
a. Did the BA discuss in a summary the effects of the proposed action on the species habitat?					
8.4 Critical Habitat Y					
a. Did the BA discuss in a summary the effects of the proposed action on the species habitat?					
9. Essential Fish Habitat Consultation					
9.1 Identification of Essential Fish Habitat					
Was essential fish habitat described within the project area (cross-referencing the project description from section 3.0 above as appropriate)?					
9.2 Analysis of Effects					
a. Does the BA provide likely effects to EFH (cross-referencing the effects analysis from section 6.0 above as appropriate)?					
b. Does the BA discuss how the use of conservation measures and special provisions will limit or prevent adverse effects on EFH (cross-referencing the project description from section 7.0 above as appropriate)?					
9.3 Conclusion					

BA Template Checklist

To be completed by Provider and Reviewer

	Provider			Reviewer	
	YES	NO	N/A	YES	NO
a. Did the BA conclude with a wrap up of any likely project effects to EFH (if any) and a conclusion supporting a determination of likely to affect EFH or not?					
10. References					
a. Are references properly cited?					
C. Resources					
A. Appendices with appropriate supporting information					
Is the following information included:					
a. Plan sheets/designs? (Do these match up with the proposed action?)					
b. Photographs of the action area? (Are the photos representative of proposed impacted areas?)					
c. Plans or diagrams (de-watering plans, erosion control plans, containment plans, etc.)?					
Print Name of Provider		Signature			Date
Provider Role (check one): ___ Consultant Qualified BA Signatory ___ ODOT Primary Author ___ Other (specify)					
Print Name of Reviewer		Signature			Date
Reviewer Role (check one): ___ ODOT Biologist ___ ODOT Work Order Coordinator ___ Other (specify)					

**Draft Consultation Initiation Package
Initial Evaluation**

Consultation Feedback Review (CFR): To be completed by Services ONLY

Scoring Categories	Highest Points Possible	Points Earned	Comments
Did the Contractor and/or ODOT biologist follow the ODOT process (i.e. use BA Template, complete pre-consultation, work within timelines)?	10		
Was the BA Template Checklist accurate?	5		
Did the BA read well (i.e., did the document have a logical thread between action, effects and conclusion)?	10		
How well were the following BA sections completed?			
1. Introduction	3		
2. Evaluation Methods	5		
3. Project Description	10		
4. Natural History and Species Occurrence	5		
5. Environmental Baseline Conditions (may include the use of the 'Habitat Approach' and the Matrix of Pathways and Indicators')	10		
6. Analysis of Effect of the Action	12		
7. Avoidance, Minimization and Conservation Measures	10		
8. Finding of Effect	10		
9. Essential Fish Habitat Consultation (if applicable)	8		
10. References	2		
Total QA Score - Including Section 10 (EFH)	100		
Total QA Score - Without Section 10 (EFH)	95		
Score as a total percentage of points possible			

Print Name of Services Reviewer	Signature	Date
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Notes:
1. Points earned based on appropriate scope, understandability, completeness, and logic. Lowest possible score in each section is 0 (poor). Indicate NA if not applicable.