

Attachment 5: Template Appendage Biological Opinion

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Name Fish and Wildlife Office

Address

Address

IN REPLY REFER TO:

date

Mr./Ms. ____
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Region **Number**, (**State**) Division
Address
Address

Subject Review of the **[Project Title]** Project **[(FHA or DOT File No. _____)]**, _____ County, ____
Inclusion with the **Name** Formal Programmatic Consultation (Service File No. _____)

Dear Mr./Ms ____ :

This is in response to the U.S. Federal Highway Administration's (Administration) request for formal consultation with the Fish and Wildlife Service (Service) on the **[project name]** in **[county name]** County. **[short project description - sentences]**. The Service has reviewed the biological information submitted by your office describing the effect of the project on the endangered/threatened/proposed/candidate **species common name** (*species scientific name*). This request, in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act of 1973), request for formal consultation was received on **[date, 200_]**.

The findings and recommendations in this consultation are based on: (1) _____; (2) _____; etc. **[list of documents, telephone conversations, meetings attended, etc.]**; and (n) information in our files. A complete administrative file at the Service's **Name** Office.

The Service has determined that it is appropriate to append this project to the Service's **[date, 200_]**, "Formal Programmatic Consultation **Name**" (Programmatic Consultation). This letter is an agreement by the Service to append the project to the Programmatic Consultation and represents the Service's biological opinion on the effects of the action. C

measures for projects appended to the Programmatic Consultation involves adhering to the "Conservation Guideline for **Species**" (Guidelines), dated [date, 200_], except as approved by the Service. It is hoped that by following the conservation measures implemented now will lead to the development of protected habitat areas distributed across the area so that local communities can use as foundations for future habitat conservation plans. A copy of these Guidelines is an appendix to the Programmatic Consultation.

The Service is tracking losses of habitat permitted under the Programmatic Consultation, and conservation measure losses, in each county under the jurisdiction of the **Name** Field Office and within the range of the **species**. The effectiveness of this Programmatic Consultation will be reviewed at least every **number** (#) months to ensure that continued implementation does not result in unacceptable impacts to the **species** or the habitats upon which it depends.

Habitat Conservation for the **Species**

In accordance with the Programmatic Consultation, projects that are appended to that biological opinion will have to comply according to these Guidelines unless otherwise approved by the Service. The conservation measures identified in the Programmatic Consultation include the following:

1. protect **species** and habitat on site,
2. management and monitoring of the conservation area(s) for either **number** (#) consecutive years or **number** years over a #-year period with monitoring reports submitted for each monitoring year, and
3. a management plan for long-term protection of the conservation area(s) to protect the area(s) in perpetuity and habitat for the **species**.

The proposed project may incidentally take **# species** inhabiting [briefly indicate the location or refer to an attached map]. The acreage that may be affected by the project is: (1) ___ acre(s) [direct effects]; (2) ___ acre(s) [indirect effects], a [critical habitat] [(describe vegetation--e.g., riparian scrub, rural creek side, landside of levee, etc.)]. The conservation measures [cite the actual document here] is in accordance with the recently revised Guidelines and the Service approves of the proposed conservation measures. The agreed upon conservation responsibilities of the applicant are as follows:

1. The applicant will protect **species** and **#** acres of habitat on site.
2. The conservation site consists of ___ acre(s) located _____ [be specific here--attach a map].
3. The applicant will manage and monitor the conservation area for [enter the option they chose--"years over a #-year period"]. Monitoring surveys will be conducted as specified in the Guidelines. The annual monitoring report will be submitted to the Service by **date** of each of those years.
4. Management of the site after the monitoring period is completed will be the responsibility of ___.

site will be managed for the **species** in perpetuity.

Please contact **[your name]** of my staff at **(###)###-[your phone number and extension]** if you have questions or
response.

Sincerely,

Name
Field Supervisor

cc: _____
Applicant
Any other appropriate parties