

S7 CONSULTATION TECHNICAL ASSISTANCE

ADDITIONAL GUIDANCE FOR "NO EFFECT" DETERMINATIONS

'NO EFFECT' DETERMINATIONS

This webpage is intended to help identify 'no effect' projects in [U.S. Fish and Wildlife Service's \(Service\) Midwest Region](#) – that is, projects that will not affect (1) species listed under the Endangered Species Act as threatened or endangered (listed species) or (2) [critical habitat](#).

Section 7 consultation is only required for actions that may affect a listed species or critical habitat. A common way in which projects warrant a 'No Effect' determination is when they will not affect any area where a listed species occurs or any area that has been designated as critical habitat.

DETERMINATION KEYS

Before using this guidance, check to see whether there is a determination key in [IPaC](#) that may provide you with an automated section 7 determination for your project. Determination keys are available for use in multiple states and species in the Service's Midwest Region. They provide a more comprehensive guide for assessing the effects of projects than this guidance and also facilitate administrative record keeping for the action agency or applicant.

IMPORTANT – CONSIDER THE ENTIRE "ACTION AREA" NOT JUST THE PROJECT FOOTPRINT

Be sure to assess potential effects to the entire [action area](#) and not just the immediate area involved in the action. Effects to surface water or groundwater, for example, often extend outside of a project's immediate footprint. The same is true for actions that may cause drift of airborne particles or chemicals into nearby areas or when noise or artificial light is projected to areas outside of the immediate project footprint where they may act as [stressors](#) for some species or critical habitats.

SPECIAL CONSIDERATIONS

RIGHTS-OF-WAY

Be careful when assessing actions that affect rights-of-way, which often contain natural or semi-natural vegetation despite periodic mowing or other management. Some endangered and threatened species inhabit rights-of-way and could be affected by regular maintenance activities or construction.

COMMUNICATION TOWERS AND MIGRATORY BIRDS

If your action involves a communication tower, to reduce the potential for your project to harm migratory birds – including listed species – please read and follow the Service's [Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning](#).

If your tower does not meet the proper lighting, siting, and construction guidelines, it could pose a risk of collision for migratory birds. If any bird species are on your IPaC species list, and your project involves a communication tower **do not** make a no effect determination without first coordinating with your local field office.¹

¹ Try searching in your web browser for "*usfws ecological services field office [state_name]*."

STEPS FOR REVIEWING ACTIONS FOR 'NO EFFECTS'

Step 1 – Does the [action area](#) include only already developed areas or cultivated cropland²? Already developed areas are already graveled, paved, covered by structures or lawns, and devoid of natural or semi-natural vegetation. Projects that affect only cultivated cropland are also unlikely to affect listed species or critical habitats in [USFWS' Midwest Region](#).

Notes:

- 1) Listed bats sometimes occur in buildings. If the action will affect a building that contains bats, answer 'No' and coordinate with the Service's field office.
- 2) Do not consider a waterbody as an "already developed area" unless its bottom consists entirely of hard artificial substrates (e.g., concrete).

Yes: Go to Step 2.

No: Go to Step 2.D. of the [S7 Technical Assistance webpage](#).

Step 2 – Does the project involve effects to transportation infrastructure, such as roads, bridges, or culverts?

Yes – Look in [IPaC](#) to see if any determination keys may apply to your project; or, coordinate with the local USFWS Ecological Services field office.

No – For projects that affect only already developed areas or cultivated cropland and do not involve effects to transportation infrastructure or buildings that contain bats, refer to 'No Effect' Determination and Documentation, below.

'NO EFFECT' DETERMINATION AND DOCUMENTATION

Based on your response above, you have determined that your proposed project will affect only already developed areas or cultivated cropland, does not involve effects to natural or semi-natural vegetation, does not affect a building that contains bats, and does not affect transportation infrastructure.

To document your section 7 review and "no effect" determination, we recommend that you fill-in the information below, attach your species list from IPaC, and file in your project record.

Project Name:

Date:

Comments for your record:

² Projects that affect only cultivated cropland, with no additional effects to nearby natural areas – from pesticide drift, surface runoff, effects to groundwater, etc. – would not be expected to affect listed species or critical habitats in [USFWS' Midwest Region](#).