State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

Flex your power!
Be energy efficient!

To: Deputy District Directors
Environmental

Date: July 22, 2010

From: GREGG ERICKSON
Chief, Biology & Technical Assistance Office
Division of Environmental Analysis

Subject: Alternative Natural Environment Studies (Minimal Impact) – No Effect Guidance

A concise "No Effect Memo" or NES (MI) may be used in lieu of a Natural Environment Study for projects where (a) no effects are anticipated, (b) nothing more than simple avoidance and/or minimization measures are needed and (c) no permits requiring biological input are needed. A No Effect Memo is a streamlined technical document developed and adopted by a District using a pre-approved (submit to HQ) format that includes the elements noted below. In many cases, this can be a standard signature form with attachments. The following items outline the guidance for review of alternative No Effect Memo submittals.

- ☐ **Qualified Biologist Signature** (*A qualified Department associate biologist 'AEPNS' or Senior Biologist as per QA/QC policy asserts the assessment is accurate and was conducted according to professional practice in accordance with all related laws, regulations and policies.)*

- ☐ **Project Description** (*Defines included/excluded actions and excluded actions in adequate detail to understand the range of potential effects when/if changes are made. The date, source, county/route/postmile, EA and other standard information must be included. This may be a dated attachment.*)

- ☐ **Project Setting** (*Defines location and biological setting adequate to understand ecological function/dysfunction and connections to area of indirect effect. Boilerplate and/or checklists may be used for repetitive sites [e.g. urban].)*

- ☐ **Methods** (*Describes the methods and techniques to consider, inventory, survey and analyze, sufficient to reproduce if needed. Any consultation programmatic or project specific should be noted. This may be incorporated in an attached standard operating procedure 'SOP' memo.*)

- ☐ **Resources Evaluated** (*Lists the species, critical habitat, resources, laws, regulations, permits and other natural resource considerations included in the evaluation. This may be incorporated in an attached standard considerations list. A recent USFWS/NOAA list supplemented by BIOS/CNDDB species must be included or referenced. This may be*

project specific or a periodic list programmatically used for a specific geographic area such as a watershed or route segment with updates every 120 days.)

- ☐ **Effect Findings** (*The text must provide a clear statement of effect findings and lack of permit requirements and be consistent with resource specific regulation. This may be a 'boiler plate' summary including logic with reference to any attached description, standard operating procedures and resources evaluated.)*

- ☐ **Avoidance** (*If needed, this describes agreed upon simple avoidance measures such as timing or fencing. However, if used, a senior environmental planner must initial the memo if there are commitments.*)

- ☐ **Administrative Record or File** (*The file must contain all supporting documents, methods, records of conversation or information referenced in the finding but not attached.)*

If you have any questions, please contact Gregg Erickson at (916) 654-6296 or Amy Pettler at (916) 651-8166.

c: Kelly Dunlap, Chief, Environmental Management Office, HQ
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