

S7 Consultation Technical Assistance

Additional Guidance for "No Effect" Determinations

Certain projects nearly always warrant a “No Effect” determination. This website is intended to assist project proponents in determining whether their project qualifies as one of these types of projects, and if so, to provide a streamlined mechanism for documenting their "No Effect" finding. If your project does not meet the criteria below (and associated pages), your action requires further review. To assist with this more detailed review, you will be linked back to [Step 2 of our S7 Technical Assistance website](#).

Certain projects within already developed areas, including HUD projects, pipeline or buried utility projects, telecommunication projects¹, and other projects that occur within cultivated cropland or areas that are already developed may have no effect to listed species if no suitable habitat is present in the action area. Developed areas are already paved; covered by structures or lawns; or, mowed too frequently to develop semi-natural characteristics. Be careful when assessing actions that affect – 1) rights-of-ways that contains natural or semi-natural vegetation despite periodic mowing or other management; and 2) surface water or groundwater. Several species inhabit rights-of-ways and you should consider carefully effects to surface water or groundwater, which often extend outside of a project’s immediate footprint.

No effect is the appropriate determination if suitable habitat is not present in the action area, or if suitable habitat is present, but current data (e.g., surveys) are sufficient to determine that none of the species or critical habitats on the IPaC list are present in the action area.

Step 4.A. Is your project within an already developed area? An already developed area is one that is already paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping. If your project is within or adjacent to unlandscaped areas that support native vegetation such as trees, non-turf grass, or shrubs then it is NOT an already developed area for the purpose of this question.

Yes: For Projects within an already developed area, Continue to Step 5

No: If natural habitat (native trees, shrubs or grasses) exists within or adjacent to your project area (i.e., it’s not within an “already developed area”), continue with 4B.

Step 4.B. Does your project involve removal of native vegetation (i.e., vegetation other than cultivated plants and lawns) or ground disturbance?

Yes: Return to [Step 2C of the S7 Technical Assistance webpage](#)

No: Proceed to Step 5 below

Step 5. "No Effect" Determination and Documentation

You have determined that no suitable habitat for listed species occurs in your project area. Therefore, you have determined that the project will have "no effect" on federally listed species. A "No Effect" determination is appropriate because your project is

- within an already Developed Area (an area that is already paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping), and
- does not involve removing native vegetation.

Since it will not affect suitable habitat for listed species, no listed species or designated critical habitat is anticipated to be directly or indirectly affected by this action.

To document your section 7 review and "no effect" determination, we recommend that you print this page (go to File<Print Preview), fill-in the project name and date, attach your species list, and file in your administrative record.

Project Name:

Date:

Comments for your record:

¹*Please note that the following steps will help you fulfill your Endangered Species Act responsibilities, but your project may still affect migratory birds, which are protected under the Migratory Bird Treaty Act. To reduce the potential for your project to harm migratory birds, please read and follow the [Service's Telecommunications Tower Guidelines](#). Contact your local Ecological Services Field Office for more information.*

Step 4:

4.A. Does your project involve installing towers that include use of guy wires?

Yes - Your project requires further review. Please contact the Ecological Services Field Office nearest the project for assistance.

No - Continue with Step 4.B. below

4.B. Does your project involve removal of native vegetation (i.e., vegetation other than cultivated plants and lawns)?

Yes - Your project requires further review. [Click here to return to Step 2 of the S7 Technical Assistance web pages and continue at step 1.C.](#)

No – Proceed to Step 5

Since your project is not within suitable habitat for listed species, no listed species or designated critical habitat is anticipated to be directly or indirectly affected by this action.

To document your section 7 review and "no effect" determination, we recommend that you print this page (go to File<Print Preview), fill-in the project name and date, attach your [species list](#), and file in your administrative record.

Project Name:

Date:

¹An Already Developed Area is an area that is already paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping. It does not provide habitat for listed species (including native vegetation such as trees, grasses or shrubs).