

Section 1

Introduction

1.1 Purpose of the SBE

The Seattle Biological Evaluation (SBE) is intended to satisfy Endangered Species Act (ESA) requirements for many City of Seattle (City) projects and maintenance activities that require a federal permit, obtain federal funding, and/or affect federal land (that is, that have a federal nexus). Most projects and activities affecting Waters of the United States¹ typically trigger federal regulatory permits issued by the U.S. Army Corps of Engineers (Corps) under authority of Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act. When issuing such permits, the Corps must consider the presence of species listed as threatened or endangered under ESA (or their critical habitat). As addressed in ESA Section 7(a)(2), the information required for ESA evaluation is usually prepared in the form of a biological evaluation (BE). This SBE replaces the individual project-specific BEs that would otherwise be required under Section 7 for many separate projects/activities conducted by the City. In addition to ESA requirements, the SBE is intended to satisfy Essential Fish Habitat requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Although the bald eagle is no longer listed under ESA as a threatened or endangered species, there are permitting requirements under the Bald and Golden Eagle Protection Act. Information on these requirements is provided in Appendix C.

1.2 Using the SBE

This SBE primarily supports those projects and activities requiring a Corps permit and where ESA-listed species (or their critical habitat) are located in the project or activity area. During the early planning or design phases of a project /activity, the Corps should be consulted to determine if a permit is needed and the U.S. Fish and Wildlife Service

¹ Waters of the United States is defined by 33 CFR 328. It refers to waters used for commerce and subject to tides, interstate waters including wetlands, intrastate waters such as lakes, rivers, streams, mudflats, sandflats, sloughs, natural ponds, impoundments of waters, tributaries and territorial seas.

and National Marine Fisheries Service (jointly the “Services”) consulted to as to whether ESA-listed species (or critical habitat) occur in the area.

In addition, the project or activity must be located within the City’s municipal boundaries and all of the project’s or activity’s construction methods must be included in the SBE. If all construction methods for the project or activity are not included in the SBE, then the Corps and Services should be queried on whether and how the SBE might be used. The Corps, along with the Services will use this SBE to review federal permit applications for City projects and activities and their compliance with ESA and MSA requirements. Other federal agencies may also require a BE. In those cases, the specific agency so requesting should be queried to determine their specific agency requirements and that agency’s ability to use this SBE.

Generally, the SBE consists of a number of descriptions of construction methods and the conservation measures that the City agrees to implement to mitigate environmental impacts of those construction methods. A project manager would review the methods, select those methods to be used on their project or activity, review the conservation measures specific to those methods, and then complete a Specific Project Information Form (SPIF) for each of the selected methods and its associated conservation measures. Projects and activities claiming ESA coverage under this SBE should be certain to select all applicable construction methods (Section 3) and conservation measures (Section 4) and fill out the correct SPIFs. The SPIFs (Appendix A) are usually submitted to the Corps as an attachment to the Joint Aquatic Resources Permit Application (JARPA).

1.3 Organization of the SBE

The SBE is organized as follows:

- Section 1: Introduction
- Section 2: Permitting and Consultation
- Section 3: Description of Proposed Action: Methods
- Section 4: Conservation Measures
- Section 5: Status of the Species
- Section 6: Environmental Baseline
- Section 7: Effects of the Action
- Section 8: Cumulative Effects
- Section 9: Essential Fish Habitat
- Section 10: References
- Appendix A: Specific Project Information Forms (SPIFs)
- Appendix B: Effects Template
- Appendix C: Bald Eagle Permit Process

1.4 Submission of Documents to the Corps of Engineers

The use of this SBE replaces the submission of a separate biological evaluation or biological assessment for individual projects. For each project the following documents should be filled out and submitted to the Corps of Engineers (Corps), after review by the U.S. Fish and Wildlife/National Marine Fisheries (the “Services”) representative for the City of Seattle. The Services representative can help prepare the documents and is available for questions.

Specific Project Information Forms (SPIFs, Appendix A of the SBE)

The SPIF Cover Page is to be submitted with the applicable SPIF methods. The cover page provides an overview of the project, identifies which species are within the project action area, identifies the different construction methods, and describes the effects determinations, as well as the justification for them. The Cover Page and individual SPIFs should be sent to the Service’s representative for review and comment. The Cover Page should be signed by the Service’s representative prior to submittal to the Corps.

Individual SPIFs for each Method Each proposed construction method or activity has a correlated SPIF that must to be filled out with pertinent information. This includes a table that is used to identify which conservation measures will be implemented with the project. Please read each conservation measure and only check those that are applicable to the project and will be implemented.

Effects Template (Appendix B of the SBE)

For projects that will have no effect (NE) to or will not adversely affect (NAA) listed species and designated critical habitat, neither SPIF Cover Page nor the SPIFs are required for application submission. The NE and NAA Effect Template should be filled out, reviewed by the Service’s representative, and then sent to the Corps. If the Corps does not agree with the determination, the SPIF cover letter and individual SPIFs must be filled.

Joint Aquatic Resources Permit Application (JARPA) – This document must be completely filled out and is available on the internet.

Vicinity Map and Project Drawings

A vicinity map and project drawings are required with JARPA submission. The vicinity map and project drawings should meet the Corps’ required format and content.

Engineering drawings are not recommended for submission as they provide more detail than is necessary. Please contact the Seattle Corps representative if you have questions on requirements for a vicinity map and project drawings.

Map Showing Location of Sensitive Areas

Sensitive areas should be identified on a map so they are avoided during construction. See SBE Section 3.1 Method 1 for a definition of “sensitive Area.” Protection of

sensitive areas (wetlands, buffers, etc.) is important to minimize adverse environmental impacts.

Hydraulic Project Approval (HPA)

The HPA is issued by the Washington State Department of Fish and Wildlife. If the HPA has been issued prior to submittal of material to the Corps, it should be sent with the Corps' document. The HPA may provide mitigation or conservation measures that must be included with the project and this information may not be provided in other documents.