

US EPA ARCHIVE DOCUMENT

I. Endangered Species Act (ESA) Requirements (detailed discussion starting on Page 75 of this guide)

Assigned To

Asbestos NESHAP

- I.1. Who will determine whether your construction activity involves a federal action?

Responsible Party

- I.2. Who will check during the planning process whether the federal agency or another party will be fulfilling the ESA requirements?

Environmental Assessment

- I.3. Who will contact state or federal fish and/or wildlife agencies to determine whether state or ESA-listed species or habitat may be affected?

- I.4. Who will maintain the necessary documentation (e.g., communication for federal fish and/or wildlife agencies, biological assessments)?

If listed threatened or endangered species or critical habitat for listed species are found in your construction area:

- I.5. Who will evaluate whether your construction project will adversely impact the listed species/habitat (i.e., perform/coordinate biological evaluation or assessment)?

- I.6. Federal Action Projects: Who will submit the biological evaluation/assessment to the National Oceanic and Atmospheric Administration (NOAA)-Fisheries for marine species or the U.S. Fish & Wildlife Service (USFWS) for all other species?

If assessment determines that your activities will impact listed threatened or endangered species or critical habitat:

- I.7. Who will ask the USFWS/National Marine Fisheries Service (NMFS) or appropriate state environmental protection agency for advice on how to reduce potential impacts?

- I.8. Who will develop alternate project scopes to avoid adverse impacts?

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I. Endangered Species Act (continued)

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If assessment determines that impacts cannot be avoided:

- I.9. Federal Action Projects: Who will request a formal consultation (Section 7 consultation) in writing with the USFWS/NMFS or appropriate state environmental protection agency? The request must include: 1) description of the activity, affected area, listed species/habitat potentially impacted, how the activity will impact the species/habitat, and analysis of cumulative effects; 2) relevant reports; and 3) other relevant documentation including all previous communication with NOAA-Fisheries/USFWS. _____
- I.10. Non-Federal Action Projects: Who will apply for an ESA permit and coordinate with USFWS/NMFS (process is referred to as a Section 10 consultation)? Your application needs to include a habitat conservation plan and additional measures. _____
- I.11. Who will be responsible for ensuring a permit is received from USFWS/NMFS? _____

Meeting ESA Requirements

- I.12. Who will ensure that habitat enhancement requirements are met, if required?
- I.13. Who will ensure that any restrictions on construction activities are met? _____

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