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

**Asbestos NESHAP**

1.1. Who will determine whether your construction activity involves a federal action?

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

**Responsible Party**

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

1.4. 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:

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

1.6. 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:

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

1.8. Who will develop alternate project scopes to avoid adverse impacts?
I. Endangered Species Act (continued)

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?