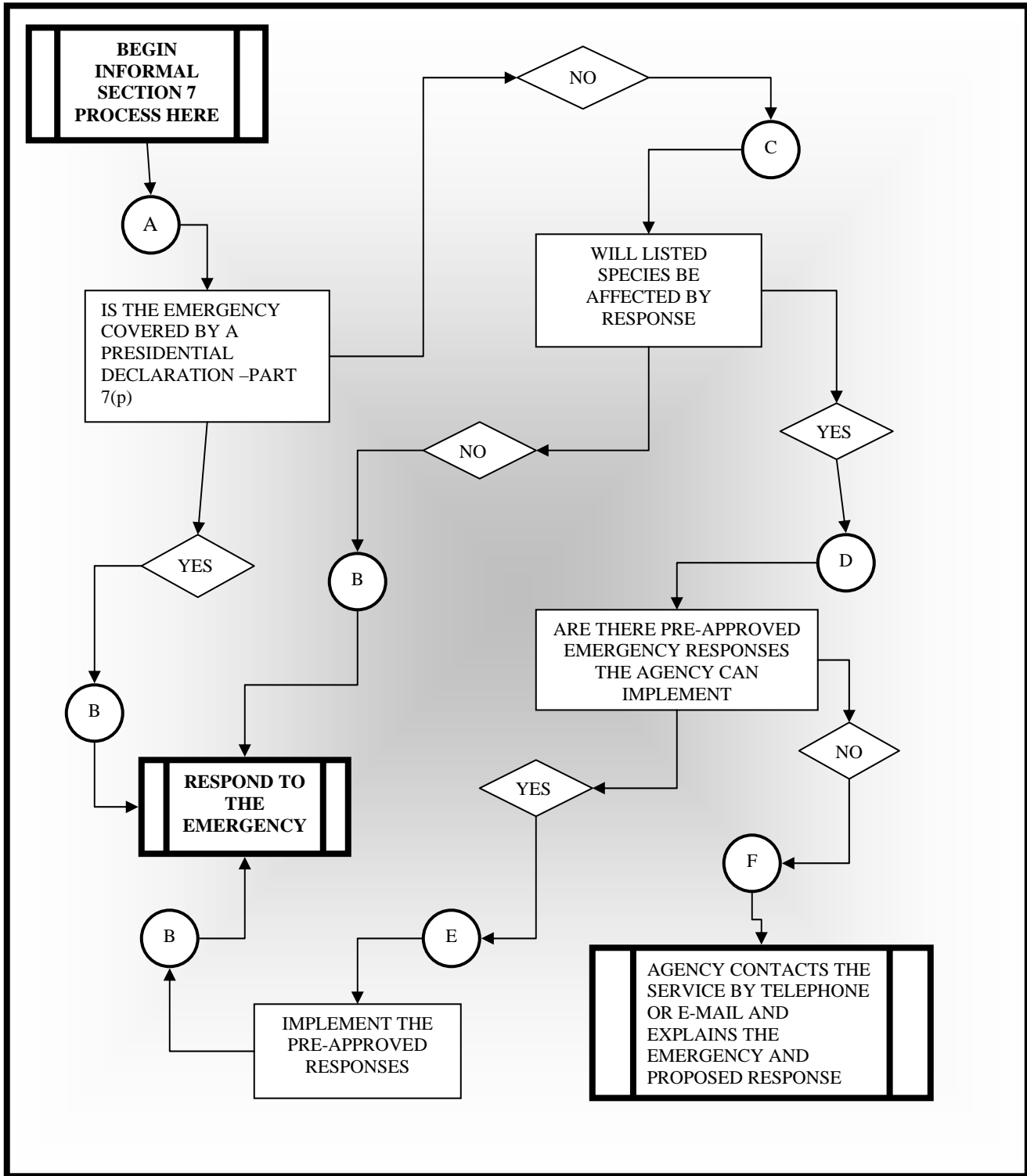


EMERGENCY CONSULTATION FLOW CHART

“DO NOT DELAY RESPONSE TO EMERGENCY”



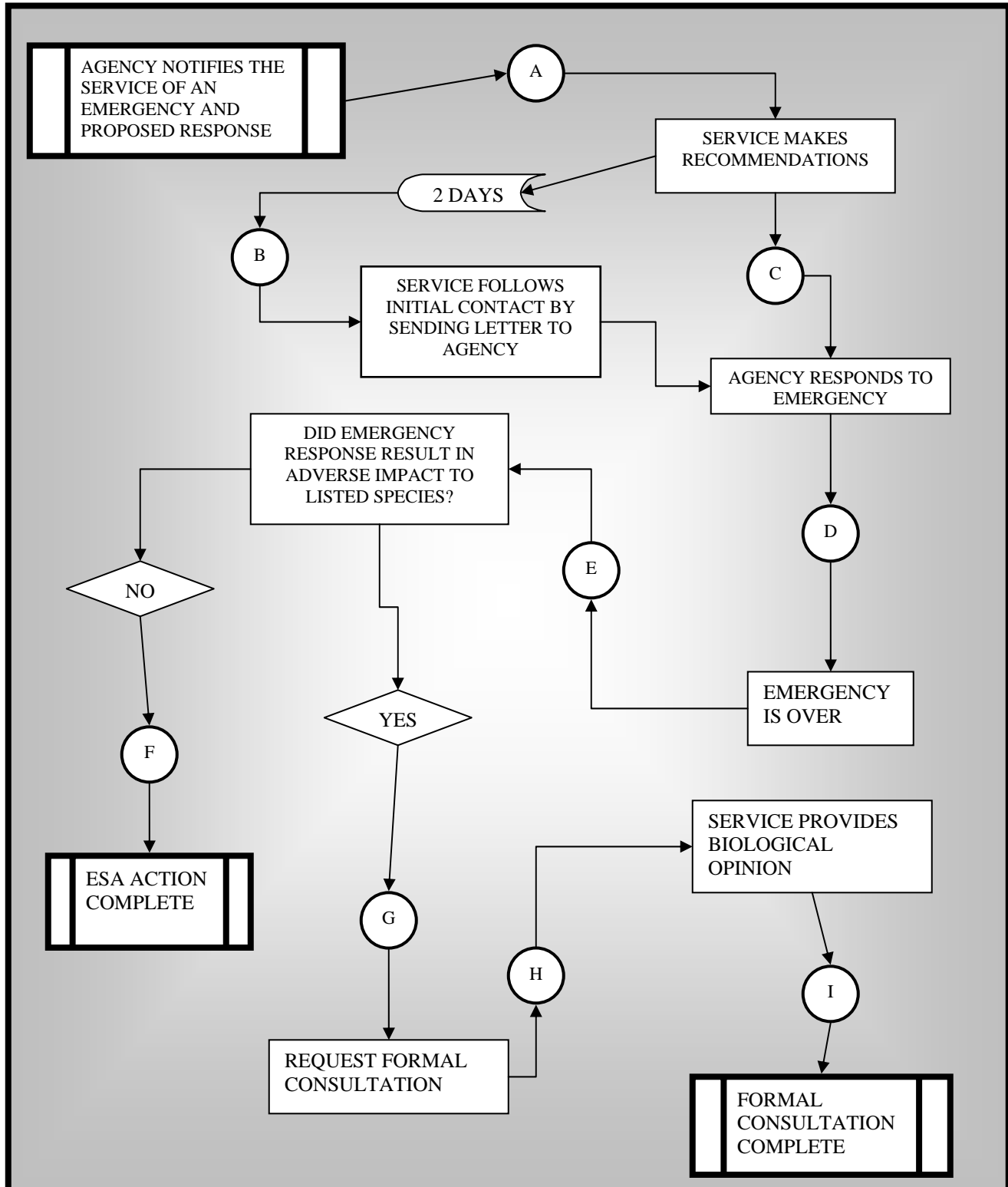
EMERGENCY CONSULTATION FLOW CHART EXPLANATION OF INFORMAL ACTIONS

“DO NOT DELAY RESPONSE TO EMERGENCY”

- A. Section 7(p) provides an exemption in Presidentially declared disaster areas.
“In any area which has been declared by the President to be a major disaster area under the Disaster Relief and Emergency Assistance Act [42 U.S.C.A. s 5121 et seq.], the President is authorized to make the determinations required by subsections (g) and (h) of this section for any project for the repair or replacement of a public facility substantially as it existed prior to the disaster under section 405 or 406 of the Disaster Relief and Emergency Assistance Act [42 U.S.C.A. ss 5171 or 5172], and which the President determines (1) is necessary to prevent the recurrence of such a natural disaster and to reduce the potential loss of human life, and (2) to involve an emergency situation which does not allow the ordinary procedures of this section to be followed.”
- Emergency response actions within these areas are exempt from the prohibition of section 9.
- B. Consultation under section 7 is not required.
- C. If the emergency response does not occur in a area declared as a Presidential Disaster Area, yet still involves an imminent threat to human life or property, the response agency must determine if listed species will be impacted by the response actions.
- D. If listed species will be impacted by the proposed response, the agency should determine if the proposed response actions have been previously consulted upon under section 7.
- E. If the proposed response actions have been addressed under section 7 as emergency response, implement those actions. Do not delay the emergency response getting a Service concurrence.
- F. If the proposed response has not been addressed by a section 7 consultation, contact the Service and move into formal consultation under the emergency provisions of 50 Code of Federal Regulations Part 402.05:
“(a) Where emergency circumstances mandate the need to consult in an expedited manner, consultation may be conducted informally through alternative procedures that the Director determines to be consistent with the requirements of sections 7(a)-(d) of the Act. This provision applies to situations involving acts of God, disasters, casualties, national defense or security emergencies, etc.
(b) Formal consultation shall be initiated as soon as practicable after the emergency is under control. The Federal agency shall submit information on the nature of the emergency action(s), the justification for the expedited consultation, and the impacts to endangered or threatened species and their habitats. The Service will evaluate such information and issue a biological opinion including the information and recommendations given during the emergency consultation.”

EMERGENCY CONSULTATION FLOW CHART

“DO NOT DELAY RESPONSE TO EMERGENCY”



**EMERGENCY CONSULTATION FLOW CHART
EXPLANATION OF FORMAL ACTIONS**

“DO NOT DELAY RESPONSE TO EMERGENCY”

- A. The emergency response agency contacts the Service, by telephone or E-mail, and identifies the emergency and how they will respond.
- B. The Service provides a written response to the emergency response agency. The Service indicates whether any species would be jeopardized by the response and what conservation measures to implement to the extent possible. The Service restates that the response agency is not to delay their emergency.
- C. The emergency response should not be delayed waiting for a response from the Service.
- D. The response agency does what is necessary to protect human life and property. The agency will implement as many of the recommended conservation measures as feasible without delaying the response.
- E. Once the emergency response is complete, the response agency will notify the Service by telephone, E-mail or in writing, the emergency is over and what conservation measures it was able to implement during the emergency response.
- F. The agency notifies the Service the emergency response did not result in any incidental take.
- G. The agency notifies the Service that incidental take resulted from the emergency response and they request initiation of formal consultation. The agency identifies the emergency response procedures, the location, the listed species taken and how, the number of individuals of each species taken, and the impacts of the take to the species.
- H. The Service uses the information provided by the agency and other information to prepare a biological opinion. This biological opinion addresses the emergency response actions that have been completed rather than actions to be completed.
- I. The Service provides the final biological opinion to the agency with the incidental take statement that includes an exemption for the incidental take that occurred during the emergency response. The incidental take statement includes reasonable and prudent measures and terms and conditions that could further minimize the take that has occurred.