

BPA's Environmental Lead Responsibility
 BPA's F&W Program Responsibility
 USFWS/NOAA Fisheries Responsibility

PLEASE NOTE: TIMEFRAMES FOR COMPLETING ESA COMPLIANCE CAN RANGE FROM A DAY TO A YEAR, DEPENDING WHICH EFFECTS PATH IS TAKEN.

1/ In accordance with the Endangered Species Act of 1973 (ESA) as amended, Federal agencies shall "seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act". This compliance process requires integrated communication and participation among BPA, the Contractor, and the U.S. Fish and Wildlife Service and/or NOAA Fisheries.

2/ ESA compliance review cannot proceed unless this is finalized.

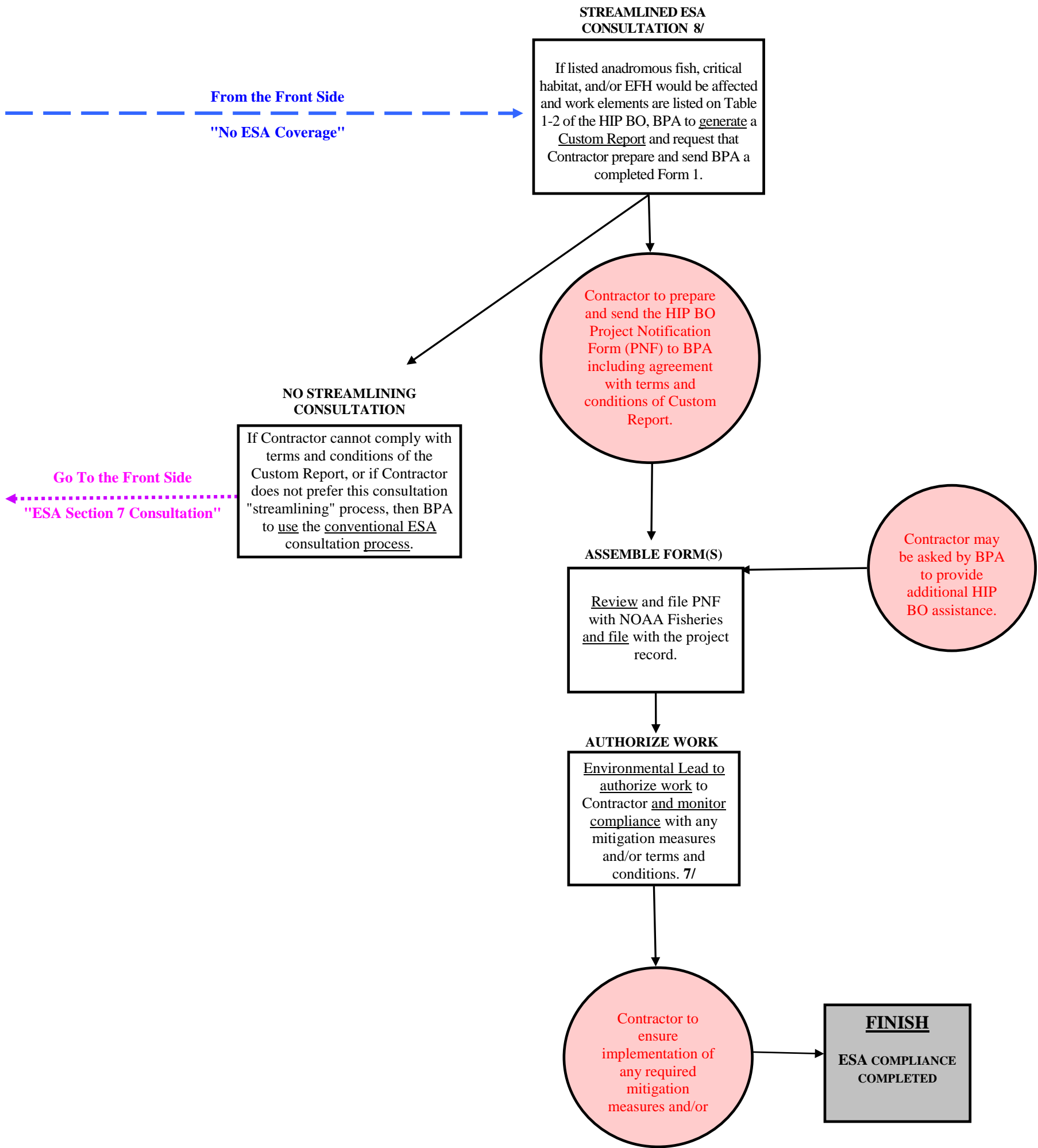
3/ In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, Federal agencies which carry out activities that may adversely impact Essential Fish Habitat (EFH) are required to consult regarding the potential effects of their actions on EFH. EFH means those waters and substrate necessary to fish for spawning, breeding, feeding or growing to maturity. The requirements of EFH reviews are hereby embedded into BPA's ESA compliance review. As needed, Environmental Planning biologists can suggest websites to assist in identifying species, critical habitat, and EFH.

4/ Process complete for only those species that would not be affected.

5/ Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct. "Harm" is further defined by FWS to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. "Harass" is defined by FWS as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

6/ Section 7 consultation with the USFWS includes wildlife, plants, bulltrout, and non anadromous-listed fish species; consultation with NOAA Fisheries includes anadromous and marine fish, marine mammals, marine turtles, marine invertebrates, and marine plants.

7/ Environmental Lead to ensure that required mitigation measures, and terms and conditions are included in BPA's decision documents, such as ROD, FONSI, MAP, CX, etc.



8/ This streamlined process applies only to the species regulated by NOAA Fisheries and not to any species regulated by the USFWS. The Habitat Improvement Program (HIP) BO title is: "Endangered Species Act Section 7 Consultation Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation Habitat Improvement Program Oregon, Washington and Idaho, CY2007-2012 (HPII) of January 10, 2008. 2007/03996