Endangered Species Act (CEST and EA)

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service ("FWS" and "NMFS" or "the Services").	The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); particularly section 7 (16 USC 1536).	50 CFR Part 402
References		
https://www.hudexchange.info/environmental-review/endangered-species		

1. **Does the project involve any activities that have the potential to affect species or habitats?**

☐No, the project will have No Effect due to the nature of the activities involved in the project.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

X No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office.

Explain your determination:

50 CFR Part 402 applies to new construction, new ground disturbance and constructing additional structures attached to or associated with housing rehab.
This project will not go outside of the original foot plan so there is no new ground disturbance.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

☐Yes, the activities involved in the project have the potential to affect species and/or habitats. → *Continue to Question 2.*

2. **Are federally listed species or designated critical habitats present in the action area?** NA

Obtain a list of protected species from the Services. This information is available on the FWS Website or you may contact your local FWS and/or NMFS offices directly.

X No, the project will have No Effect due to the absence of federally listed species and designated critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation may include letters from the Services,*

species lists from the Services' websites, surveys or other documents and analysis showing that there are no species in the action area.

☐Yes, there are federally listed species or designated critical habitats present in the action area. → *Continue to Question 3.*

3. What effects, if any, will your project have on federally listed species or designated critical habitat? NA

☐No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate.*

☐May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

→ *Continue to Question 4, Informal Consultation.*

☐Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

→ *Continue to Question 5, Formal Consultation.*

4. Informal Consultation is required NA

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect? NA

☐Yes, the Service(s) concurred with the finding.

→ *Based on the response, the review is in compliance with this section. Continue to Question 6 and provide the following:*

(1) A biological evaluation or equivalent document
(2) Concurrence(s) from FWS and/or NMFS
(3) Any other documentation of informal consultation

Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.

☐No, the Service(s) did not concur with the finding. → *Continue to Question 5.*

5. Formal consultation is required NA

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any

endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

→ *Once consultation is complete, the review is in compliance with this section. Continue to Question 6 and provide the following:*

(1) A biological assessment, evaluation, or equivalent document
(2) Biological opinion(s) issued by FWS and/or NMFS
(3) Any other documentation of formal consultation

6. **For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that will be implemented to mitigate for the impact or effect, including the timeline for implementation.** NA

☐Mitigation as follows will be implemented:

☐No mitigation is necessary.

Explain why mitigation will not be made here:

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates; NA
- Names of all consulted parties and relevant consultation dates; Website listed will be used applicable after projects are enrolled in the program. 5/26/2020
- Names of plans or reports and relevant page numbers; NA
- Any additional requirements specific to your region; NA

Are formal compliance steps or mitigation required?

☐ Yes

X No

Housing Rehabilitation (as noted above) does not trigger compliance with this section of environmental review process.

- https://conservationexplorer.dcnr.pa.gov/content/map
- Listed species believed to or known to occur in Pennsylvania - https://ecos.fws.gov/ecp0/reports/species-listed-by-state-report?state=PA&status=listed