

Guide for Review of Endangered Species			
Name of Program Participant:			
Staff Consulted:			
Name of Program(s) Reviewed:			
Name of Activity/Project Reviewed:		Location:	
Name(s) of Reviewer(s):		Date:	

NOTE: All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding**."

Instructions: This Exhibit is designed to evaluate the Responsible Entity's (RE's) compliance with requirements governing endangered and threatened wildlife and plants. The Federal list of endangered and threatened wildlife and plants is published jointly by the Department of Interior (Fish and Wildlife Service) and the Department of Commerce (National Marine Fisheries Service) and is available online at: <http://endangered.fws.gov/wildlife.html>. The HUD reviewer is responsible for examining the list to determine whether the HUD-assisted project selected for monitoring was likely to affect any listed or proposed endangered or threatened species or critical habitat. If so, then the RE must comply with Section 7 of the Endangered Species Act, which mandates consultation [see the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq., as amended, particularly Section 7 (16 U.S.C. 1536)]. Also see 24 CFR 58.5(e)].

Questions

1.

Is there documentation (or reference notes citing information sources) that the project site or proposed project action is likely to affect any listed (endangered or threatened) species or habitat?	<input type="checkbox"/>	<input type="checkbox"/>	
	Yes	No	
Describe Basis for Conclusion:			

2.

Is there documentation (e.g., reference notes citing information sources) that the project site or proposed project actions are not likely to affect any listed (endangered or threatened) species or habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe Basis for Conclusion:	

3.

Did the RE determine that a Biological Assessment might be Merited? (Note: Any project qualifying as a major construction activity, i.e., a construction project or other undertaking with similar physical impacts, that is a major Federally assisted action significantly affecting the quality of the human environment under NEPA requires a biological assessment.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe Basis for Conclusion:	

4.

If the answer to “3” above is “yes,” is there evidence (e.g., conversation notations or letter) that the RE contacted the National Marine Fisheries Service (NMFS) and/or Fish and Wildlife Service (FWS) for a “second opinion” and requested species lists and other information helpful to conducting a Biological Assessment as appropriate?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Describe Basis for Conclusion:	

5.

<p>Is there correspondence from FWS or NMFS that a “Formal Consultation” is required? (Note: A “Formal Consultation” is initiated following the receipt of necessary information regarding the action, listed species and/or critical habitat. FWS or NMFS sends a letter acknowledging receipt of information. This initiates the consultation process.)</p>	<p><input type="checkbox"/> <input type="checkbox"/> Yes No</p>
<p>Describe Basis for Conclusion:</p>	

6.

<p>If the RE determined that the action may affect listed species or critical habitat, has the RE initiated and concluded the formal consultation process with FWS or NWS? [50 CFR 402.14]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p>Describe Basis for Conclusion:</p>	

7.

<p>If either the FWS or NMFS has issued a “jeopardy” Biological Opinion, has the RE determined whether or not to follow the conditions or alternatives set out in the opinion and notified FWS or NMFS of its final decision on the action? [50 CFR 402.15]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p>Describe Basis for Conclusion:</p>	