



^{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 among BPA's Environmental Planning office (KEC); Pollution, Prevention and Abatement office (KEP); Transmission Business Line staff; and the USFWS and/or NOAA Fisheries. BPA has internal ESA guidance that is consistent with this flow chart. For assistance with this flow chart, contact a BPA fish and wildlife biologist in Environmental Planning.

^{2/} ESA compliance review cannot proceed unless this is finalized. TBL collectively represents a variety of proposed work largely associated with BPA transmission actions, such as fiber optic technology, microwave communications, renewable resource interconnections, wind power interconnections, biomass connections, etc. Actions may be maintenance, replacement, rebuild, and new construction.

^{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.