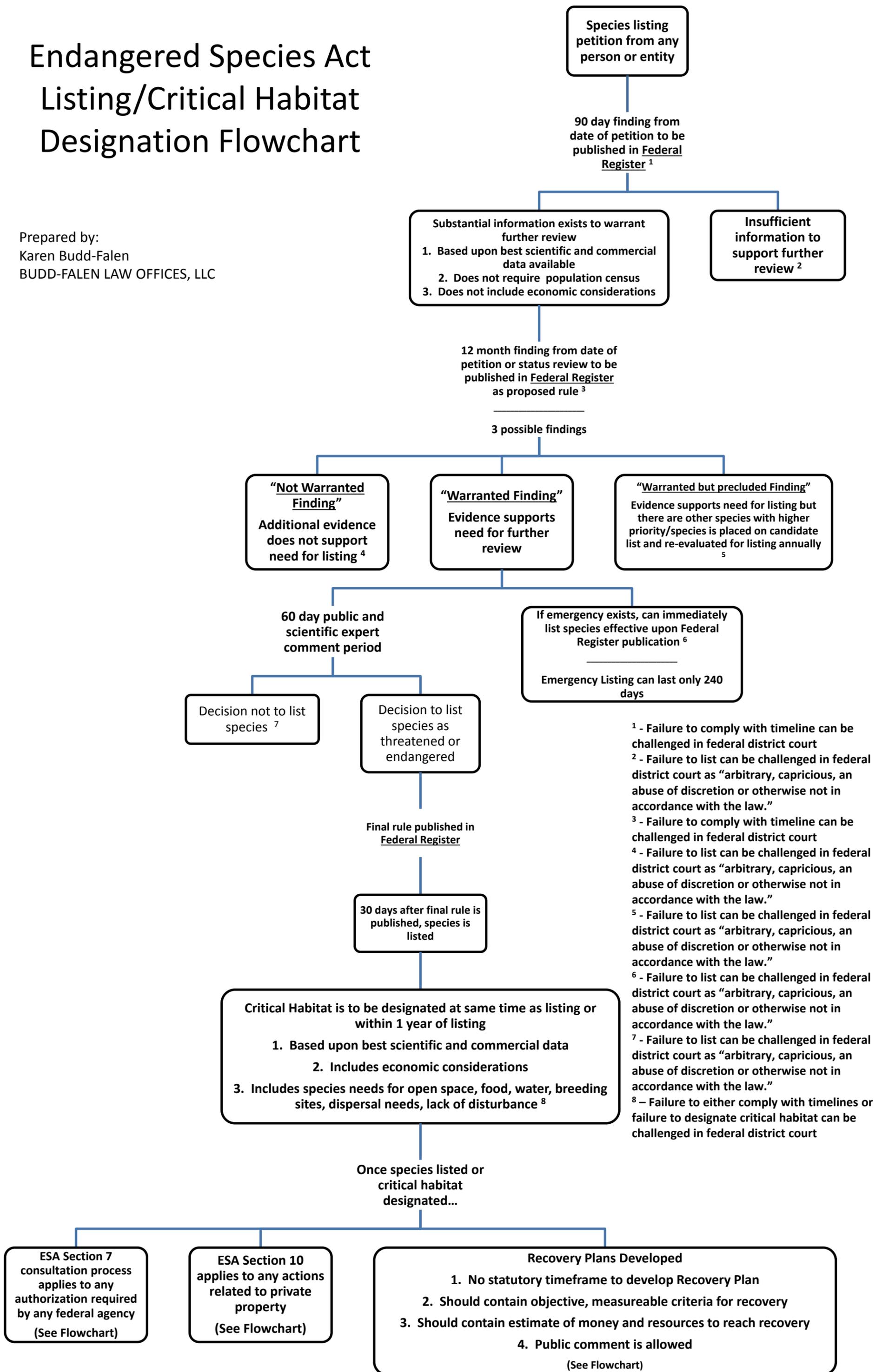


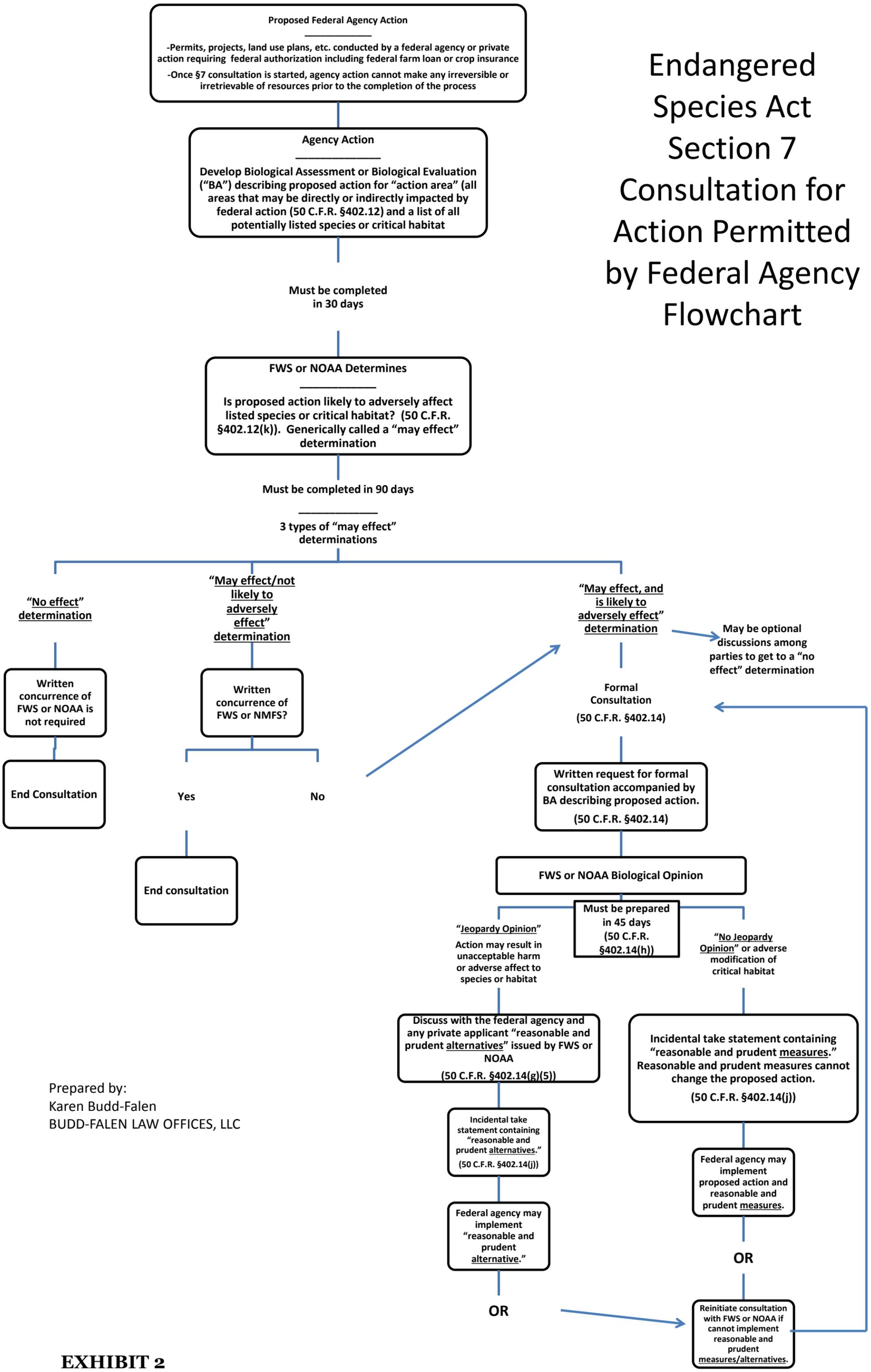
Endangered Species Act Listing/Critical Habitat Designation Flowchart

Prepared by:
Karen Budd-Falen
BUDD-FALEN LAW OFFICES, LLC



1 - Failure to comply with timeline can be challenged in federal district court
 2 - Failure to list can be challenged in federal district court as "arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law."
 3 - Failure to comply with timeline can be challenged in federal district court
 4 - Failure to list can be challenged in federal district court as "arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law."
 5 - Failure to list can be challenged in federal district court as "arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law."
 6 - Failure to list can be challenged in federal district court as "arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law."
 7 - Failure to list can be challenged in federal district court as "arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law."
 8 - Failure to either comply with timelines or failure to designate critical habitat can be challenged in federal district court

Endangered Species Act Section 7 Consultation for Action Permitted by Federal Agency Flowchart



Prepared by:
Karen Budd-Falen
BUDD-FALEN LAW OFFICES, LLC

Project with no federal agency action but involves potential take of listed species or adverse modification of critical habitat

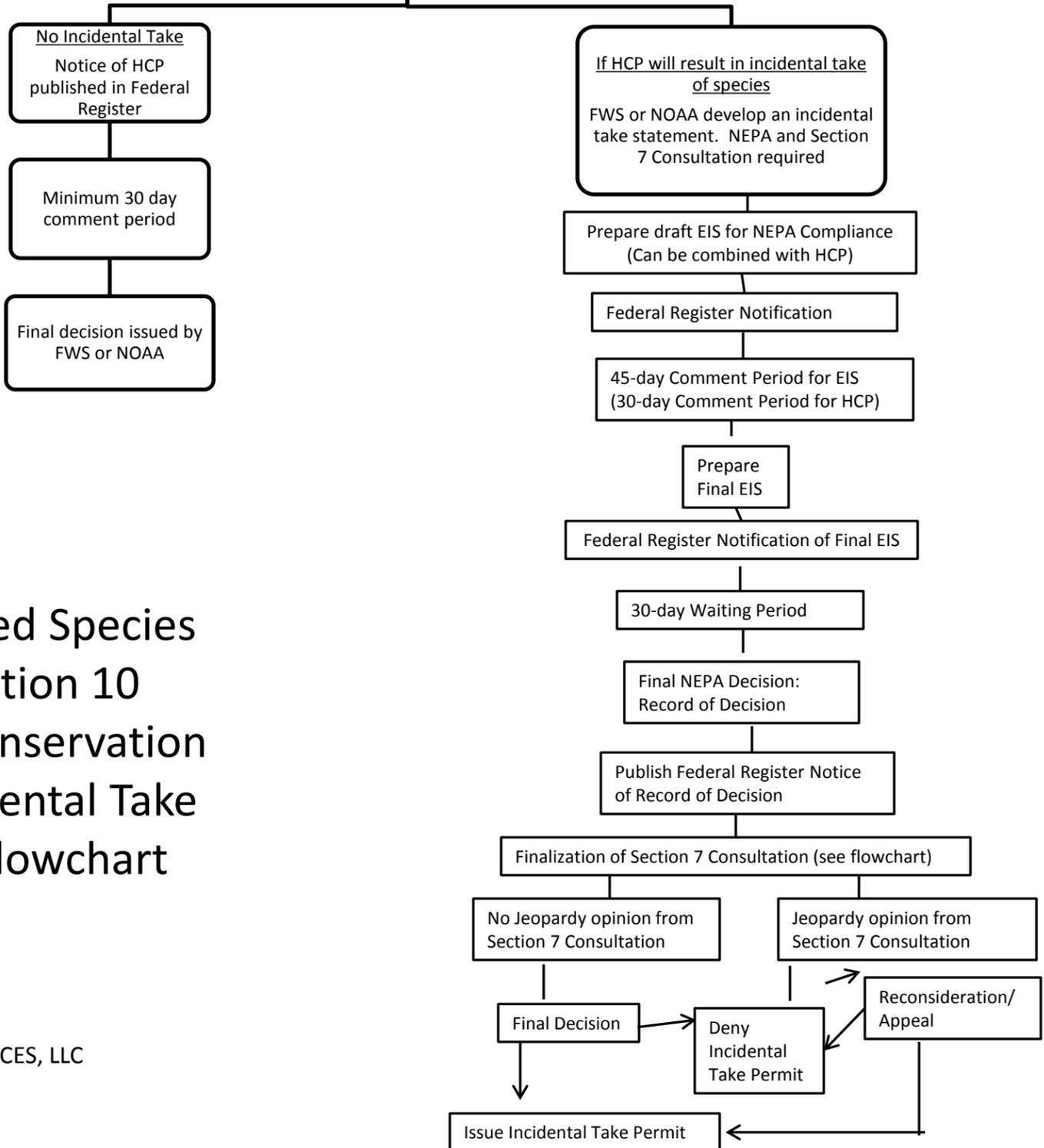
Five conditions for a Habitat Conservation Plan (HCP):

- The taking will be incidental to otherwise legal land use activities
- The private applicant will minimize and mitigate the impacts of taking
- The applicant will ensure that adequate funding will be provided for the HCP and procedures to address unforeseen circumstances
- The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild
- Any additional measures required by FWS and NOAA will be met and FWS and NOAA have received assurances that the plan will be implemented

HCP must include:

- Assessment of impacts likely to result from the proposed taking of listed species or habitat modification
- Measures that the permit applicant will undertake to monitor, minimize, and mitigate for such impacts, the funding available to implement such measures, and the procedures to deal with unforeseen or extraordinary circumstances
- Alternative actions to the taking that the applicant analyzed, and the reasons why the applicant did not adopt such alternatives
- Additional measures that the FWS or NOAA may require
- Biological goals and objectives, which define the expected biological outcome for each species covered by the HCP
- Adaptive management, which includes methods for addressing uncertainty and monitoring and feedback to biological goals and objectives
- Monitoring for compliance, effectiveness and effects of HCP implementation
- Permit duration which is determined by the time-span of the project and designed to provide the time needed to achieve biological goals and address biological uncertainty.

2 possible outcomes



Endangered Species Act Section 10 Habitat Conservation Plan/Incidental Take Permit Flowchart

Prepared by:
Karen Budd-Falen
BUDD-FALEN LAW OFFICES, LLC