State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

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To: DEPUTY DISTRICT DIRECTORS
FOR ENVIRONMENTAL
DISTRICT OFFICE BRANCH CHIEFS
FOR ENVIRONMENTAL

Date: September 20, 2004

File: Biology

From: GARY R. WINTERS
Chief
Division of Environmental Analysis

Subject: Guidance for Combined Essential Fish Habitat and Endangered Species Act Consultation Process

The attached table and flowchart provided by the Federal Highway Administration (FHWA) California Division, gives additional guidance for implementation of the combined Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultation process. This memo is also intended to further clarify the responsibilities of the FHWA and the California Department of Transportation (Department).

This information is provided as a follow up to the May 21, 2004 letter, in which the FHWA authorized the Department to consult, as its *non-Federal representative*, with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA-Fisheries) under particular circumstances for EFH. On June 7, 2004, the Division of Environmental Analysis sent a memo to the Districts identifying the circumstances in which the Department would consult on behalf of the FHWA for EFH. The letter identified those scenarios where combined EFH and ESA consultation was necessary.

These documents can be referenced in the Department's Standard Environmental Reference (SER) using the following web address: *http://www.dot.ca.gov/ser*

For more information please contact Gregg Erickson, Chief, Office of Biology and Technical Assistance, at (916) 654-6296 or Deborah McKee, Senior Environmental Planner, at (916) 653-8056.

Attachment

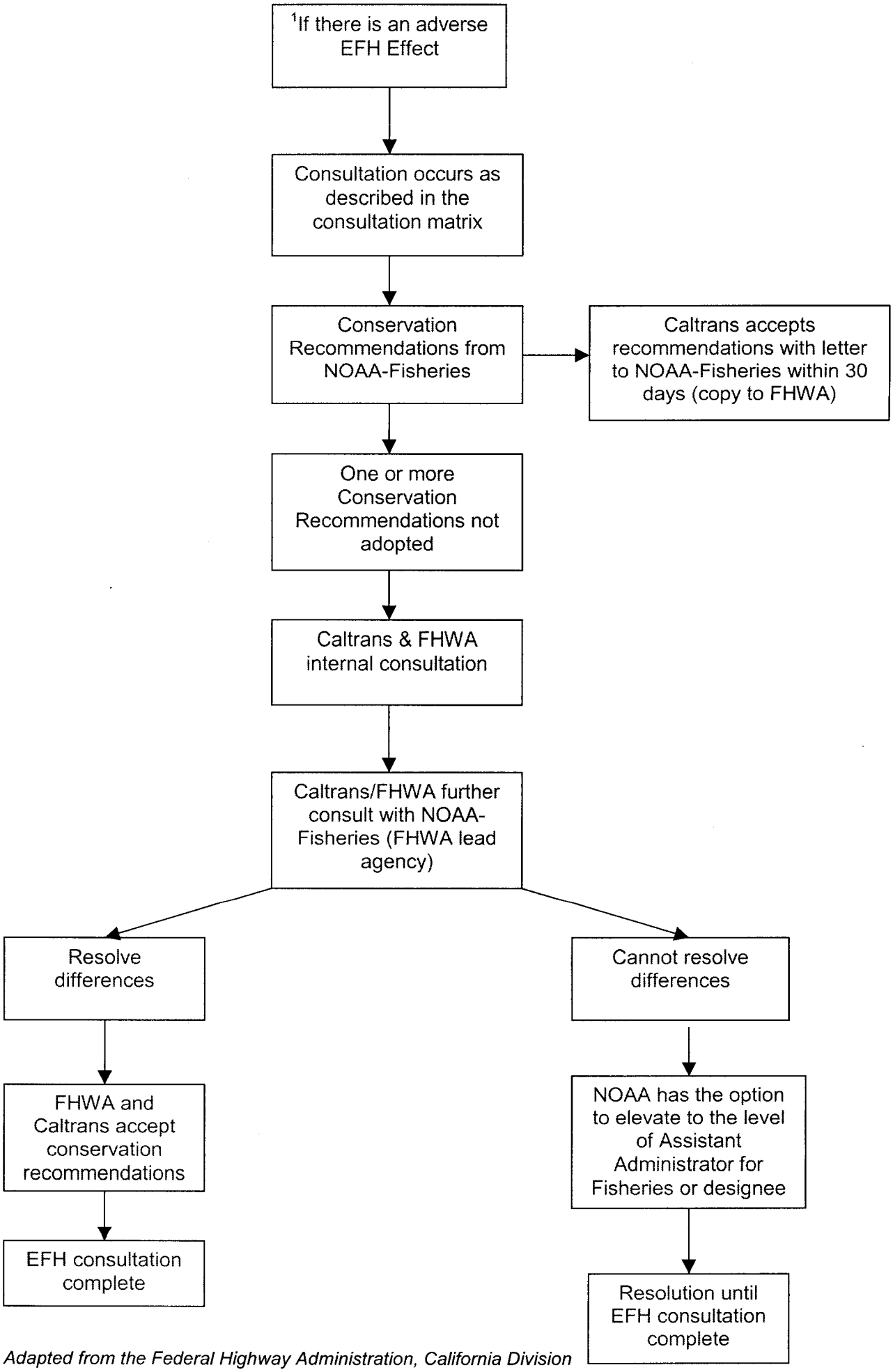
EFH CONSULTATION MATRIX:

Endangered Species Act (ESA)	Essential Fish Habitat (EFH)	
	No Adverse Effect	**Adverse Effect[1]**
No Effect	No consultation for ESA or EFH	Caltrans conducts consultation on EFH, (no consultation for ESA)
Not Likely to Adversely Affect	Caltrans conducts informal consultation for ESA (no consultation for EFH)	Caltrans conducts informal consultation for ESA and consults on EFH
Likely to Adversely Affect	FHWA conducts formal consultation on ESA (no consultation on EFH per Caltrans determination)	FHWA conducts formal consultation on ESA and EFH
Document Type	BA for ESA (include documentation of EFH determination in Section 4.2.x of NES following guidance for EFH analysis)	BA for ESA, including EFH assessment

Source-Federal Highway Administration, California Division

[1]EFH Adverse Effect Process Flowchart

[1]EFH Adverse Effect Process Flowchart



Adapted from the Federal Highway Administration, California Division