

How to Submit a Project for Pre-Development Consultation

Please include a cover letter with your correspondence stating that you are submitting a project for our review under the Endangered Species Act. It is helpful if you explicitly request an action from us (e.g., technical assistance to determine the potential for impacts to listed species, concurrence with your determinations). Per section 7 regulations, we will respond to a federal agency's request for concurrence with their determination(s) under informal consultation within 60 days. We generally respond to all requests within 30 days.

Your correspondence can be submitted to the Kentucky Field Office the following ways:

- By email to KentuckyES@fws.gov.

This is preferred and will expedite your request.

- By mail to:

Mr. Lee Andrews
Field Supervisor
U.S. Fish & Wildlife Service
Kentucky Ecological Services
330 West Broadway, Rm 265
Frankfort, Kentucky 40601

Please do not mail a hard copy and email the same project correspondence. This can slow down our processing of your request.

Detail previous coordination with the KFO on the project

This is typically a species list for the project area obtained from IPaC. Please include the IPaC Consultation Tracking Number in the header of letter generated by IPaC (ex. 04EK1000-[fiscal year]-SLI-[project #]). There is no need to provide us with a copy of the actual IPaC-generated letter and species list; the KFO can access this through the database.

Describe the proposed action

The level of detail will vary depending on the complexity of the project. For example, describing the placement and construction of a building on a vacant lot may be relatively simple, while describing a proposed water supply improvements project that includes installation of several miles of water line, associated water tanks, and pump stations may be more detailed and complex. Your project description should include the following:

- Purpose of the proposed action.
- Statement identifying federal funding or permitting involved with the proposed action, if any.
- GPS coordinates, in decimal degrees, of the location of the project and a map showing the extent of the proposed project area (polygon or line).

- Description of the habitat in the project proposed area (e.g., open field, forest, previously disturbed right-of-way, streams, caves, rock shelters, abandoned mine portals, etc.). Consider the entire “action area” of the proposed project by including all areas that may be affected directly or indirectly by the project. For example, a pipeline crossing a stream has a project footprint confined to the pipeline corridor, however, the “action area” would be the project footprint plus all of the aquatic habitat downstream of the crossing that would be influenced by sediment discharged during the construction of the project.
- Timing and duration of the proposed action.
- Information about all of the components associated with the proposed project, including interrelated actions that are part of a larger action and depend on the larger action for their justification, interdependent actions that have no independent utility apart from the action under consideration, and future actions that are reasonably certain to occur as a result of the proposed project. Examples include: a water line that would be connected to a proposed water tank, an access road for a proposed telecommunications tower, a utilities line to serve a proposed development, and a future development that is reasonably certain to occur in response to a new road.
- Describe how the project proponent plans to carry out the project (e.g., bulldozer, heavy equipment, tools, tree removal, etc.).
- Photographs of the project area, especially of natural habitats that would be disturbed.

Identify federally-protected species and critical habitat

Identify all of the federally-listed species and critical habitat that may be affected by the proposed action. If you have not already done so, we recommended that you obtain a species list for the action area of the proposed project by visiting the following site: <https://ecos.fws.gov/ipac/>. This site also includes species-specific recommendations to consider as you design your project.

Effects Analysis

Describe all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action.

Determinations

The federal action agency should make a determination for each of the federally-listed species or designated critical habitat that could potentially be affected by the proposed action. This conclusion should be supported by the effects analysis. One of the three following determinations should be applied to each species:

- “No effect” means that there will be no impacts, positive or negative, to listed species and critical habitat. This determination is usually not appropriate if suitable habitat is present. No

concurrence from the U.S. Fish and Wildlife Service (Service) is required for “no effect” determinations.

- “May affect - not likely to adversely affect” means that all effects to listed species are insignificant, discountable, and/or beneficial. Insignificant effects relate to the size of the impact and include those effects that are not measurable. Discountable effects are effects that are extremely unlikely to occur. The Service will review the information supporting the determination and either concur or not concur with the determination.
- “May affect - likely to adversely affect” means that listed species and/or designated critical habitat are likely to be significantly adversely affected by the proposed project. Adverse effects can be in the form of habitat loss and/or habitat alteration; however, adverse effects also come in other forms based on the species, its life history, and the effects from the action. This determination will result in formal consultation. Before making this determination, we recommend further informal consultation with the Service to explore additional actions or modifications to the proposed project that could lessen effects on federally-listed species.