



U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office
FACT SHEET



Consultation Timelines

Under the Endangered Species Act of 1973

Legislated Timelines for Formal Consultations

These timelines refer to consultations between the Fish & Wildlife Service and other Federal agencies under the Endangered Species Act of 1973.

Some formal consultations involve a private party, company, Indian tribe or local agency. An example would be when a private party needs to get a U.S. Army Corps of Engineers permit to fill wetlands. The Corps would consult with us about the permit.

Before Formal Consultation

- Federal agency gets an online species list from us. If they do not start their biological assessment within 90 days after receiving the list, they must update it. They must also update their list if they have not completed their biological assessment within 180 days of receiving the official list.

During Formal Consultation

- Within 30 days of receiving a request for formal consultation, we concur with the agency's biological assessment or notify them that we do not concur. We notify the Agency (in writing) that we have enough information to initiate consultation or we request that they submit more information (pursuant to 50 CFR 402.14(c) and, if it is a major federal action, 50 CFR 402.12(f)).
- Within 90 days, we complete consultation with the Federal agency.

After Formal Consultation

- During the 45 day period after consultation, we write our final biological opinion. There is no more consultation with the Federal Agency or applicant during this period. We send a copy of the opinion to the Federal Agency (and to the non-Federal applicant if there is one.)

We try to complete informal consultations, courtesy responses to inquiries, technical assistance to non-Federal parties, permit actions within 30 days or less.

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