



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, TN 38501



December 13, 2023

To streamline the regulatory process for Federal Emergency Management Agency's (FEMA) Conditional Letter of Map Change (CLOMC), Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision Based on Fill (CLOM-F) application, the United States Fish and Wildlife Service (Service) is providing a clearance checklist to document the compliance decision with the Endangered Species Act (ESA).

As of July 2021, the Tennessee Ecological Services Field Office will no longer provide signed stickers, letters, or individual project reviews for FEMAs CLOMC, CLOMR, or CLOMR-F that meet one of the listed criteria. The checklist is based on the Service's ESA regulations and FEMA *Guidance for Flood Risk Analysis and Mapping Documentation of Endangered Species Act Compliance for Conditional Letters of Map Change*, May 2016.

Applicants should attach this checklist to the supporting species report, biological assessment, or federal ESA compliance documentation. Selecting the appropriate checkbox certifies compliance with ESA for CLOMC, CLOMR, or CLOMR-F applications and no further consultation is required from the Service.

ESA COMPLIANCE FOR NON-FEDERAL PROJECTS:

No potential for "Take" exists (meaning that the project has no potential to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) to threatened and endangered species. The supporting biological assessment or report may include minimization measures that the applicant proposes to implement to ensure that potential for "Take" has been reduced to insignificant or discountable.

ESA COMPLIANCE with a FEDERAL ACTION AGENCY:

A "No Effect" determination was made by the federal agency or non-federal representative through the Section 7 consultation process. Please see attached determination report documenting that no potential for "Take" exists (meaning that the project has no potential to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) to threatened and endangered species.

The project has received a permit from a federal agency, such as the Army Corps of Engineers, and ESA compliance was conducted through the action agency's Section 7 consultation process. ESA compliance can be documented through the issuance of the federal permit and if applicable, a supporting biological opinion or concurrence letter.

By selecting one of the above determinations and providing the supporting documentation to FEMA, the finding fulfills the requirements of the ESA. For projects that do not meet the checklist criteria, please coordinate with the Service and submit a technical assistance request.

Sincerely,

Field Supervisor