



# United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE  
Florida Ecological Services Office



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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 (CLOMR-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 April 4, 2022, the Florida Ecological Services Field Office will no longer provide signed stickers, letters, or individual project reviews for FEMA's 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 official species report obtained through the Information for Planning and Consultation online system ([IPaC: Home \(fws.gov\)](https://www.fws.gov/ipac)), the supporting biological assessment (BA), or federal ESA compliance documentation when submitting information back to FEMA. 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:

A "No Effect" determination is defined as an action that will not pose *any* effects to listed species or designated critical habitat. Effects are measured at the individual scale and not the population scale and they could occur through an indirect mechanism (e.g. habitat changes due to a change in hydrologic or hydraulic characteristics of a flooding source). "Take" is defined as 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 BA or report may include minimization measures that the applicant (e.g. landowner) will apply to ensure that potential for "Take" has been reduced to an insignificant or discountable level as defined in Section 3 of the Endangered Species Consultation Handbook (USDI Fish and Wildlife Service and USDC National Marine Fishers Service 1998. Page 3-12).

## ESA COMPLIANCE with a FEDERAL ACTION AGENCY:

- ☐ A "No Effect" determination was made by a permit issuing federal agency or non-federal representative through the Section 7 consultation process. Please see the attached "No Effect" supporting document.
- ☐ The project has received a permit from a federal or state agency (e.g. a Clean Water Act Section 404 permit from the Florida Department of Environmental Protection) 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 or state permit and if applicable, a supporting biological opinion or concurrence letter.

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

Respectfully,

Jose Rivera  
Manager (Acting)  
Division of Environmental Review  
Florida Ecological Services Office