



U.S. Fish & Wildlife Service
Bay Delta Fish & Wildlife Office
FACT SHEET



Consultation Timelines
Under the Endangered Species Act of 1973

Consultation

These timelines refer to consultations between the Fish & Wildlife Service and other Federal agencies under Section 7 the Endangered Species Act of 1973. (Consultations involving non-Federal parties can be conducted under Section 7 if there is a Federal nexus. 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.)

If we and the consulting agency think a project is likely to adversely affect a protected species, we conduct a *formal consultation*. If there may be an affect, but it is not expected to be adverse, we do an *informal consultation*. We try to complete the informal consultation within 30 days. Sometimes workload makes this impossible.

Formal Consultation Timeline

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.
- Within 90 days of receiving *all the information we need to consult*, 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.)

Bay Delta Fish and Wildlife Office
<http://www.fws.gov/baydelta>
Bay-Delta Fish & Wildlife Office
650 Capitol Mall, 8th Floor
Room 8-300
Sacramento, CA 95814

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