



Threatened & Endangered Species Section 316(b) Compliance



The new Clean Water Act §316(b) Rule contains requirements developed through Section 7 consultation with the U.S. National Marine Fisheries Service and U.S. Fish and Wildlife Service (Services) to ensure that permitted CWIS operations will not jeopardize listed species or their habitats. The following provisions in the Rule are applicable to all federally-listed T&E species, not just fish and shellfish:

1. Facilities must identify all federally-listed threatened and endangered species and designated critical habitat that are or may be present in the action area of the facility.
2. The Director must submit the NPDES permit application to the Services for review. The Services are provided a 60-day period to review the permit for accuracy and to suggest control measures, monitoring requirements and reporting requirements designed to minimize incidental take.

The Rule does not authorize the take of T&E species. Take is prohibited under the ESA unless it is exempted or permitted via an Incidental Take Permit (ITP). Incidental take permitting is a distinct permitting process which requires an applicant to submit an Incidental Take Permit (ITP) application, a Habitat Conservation Plan (HCP) in addition to satisfying the requirements of NEPA.

What **ASA** can do for you?

ASA has industry experts and senior level scientists who can leverage their national experience successfully addressing T&E species considerations in BTA evaluations, preparing ITPs, HCPs and NEPA documents to **cost-effectively**:

- Gather baseline data, define the action area and evaluate your facility's potential impact on T&E species.
- Develop BTA valuations that account for T&E species incidental take.
- Consult with services regarding facility-specific T&E take requirements.
- Design and conduct monitoring and control measures.

T&E species issues can be polarizing. **ASA's excellent reputation** with many Federal and State agency representatives, coupled with our significant experience and success with §316(b), allows us to provide **effective solutions** that balance our client's objectives with ESA requirements.



Service Areas and Experience

FEATURES

- Over 40 years of experience providing §316(b) compliance services.
- Senior staff are leading experts for the power and utility industry.
- Strategic compliance and research support to the Electric Power Research Institute (EPRI), power, utility and industrial clients on the §316(b) Rule.

BENEFITS

- Extensive knowledge of facilities affected by the Rule and insight to frame tailored and successful compliance strategies.
- Access to the best-qualified staff serving the industry and organizations such as EPRI.
- In-house specialty capabilities to perform required monitoring, develop BTA controls, and reporting.
- Proactive, science-based solutions built in cooperation with our clients regardless of project or staff location.

For more information contact:

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Landenberg, PA	(302) 528-8349
Lemont, PA	(814) 278-0482
East Lyme, CT	(860) 710-8455
Worcester, MA	(774) 502-6154

Incidental Take Permitting

- Composed new and renewal applications for incidental take of T&E species pursuant to ESA Section 10.

Agency Consultation

- Successfully negotiated permit terms with state and federal agencies.

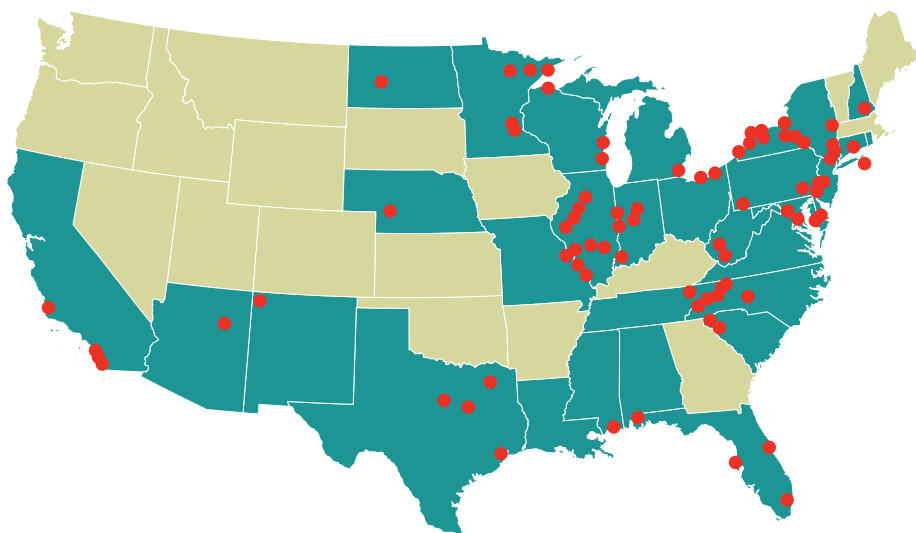
Field Monitoring

- Conducted impingement and entrainment monitoring for T&E species at more than 30 facilities.

Expert Consultation

- Provided analysis of ecology, biology, and potential impacts of CWIS operations for litigation purposes.

ASA has delivered successful solutions for over 100 facilities throughout the United States



ASA
Solutions through Science