

**Incidental Take Permit (ITP)
U.S. Fish and Wildlife Service (USFWS)**

Purpose: Required when a non-federal activity conducting an otherwise lawful activity has the potential to result in incidental “take” (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect) of a federal threatened or endangered wildlife species. A habitat conservation plan (HCP) accompanies an application for an ITP. Approval of the HCP and issuance of the ITP by USFWS are federal actions triggering review under the National Environmental Policy Act (NEPA). The NEPA document (an Environmental Assessment (EA) or Environmental Impact Statement (EIS)) and the HCP move through the public review process together. The NEPA process must be completed before USFWS can issue the ITP.

Approval Authority: Endangered Species Act (ESA) Section 10(a)(1)(b)

Potential Approval Prerequisites: The applicant is encouraged to coordinate and meet with the USFWS to identify the surveys that should be conducted to help assess potential impacts to listed species; discuss the content of the HCP; identify the level of NEPA analysis required and associated roles and responsibilities; and discuss additional application and processing requirements. Providing USFWS with the preliminary project design, site conditions, and any resource assessment results at this meeting facilitates the discussion and identification of species of concern and initial path forward. Recommend developing the HCP jointly in cooperation with Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW).

Fees: Application fee is required – see link below.

For Permit Application, Guidelines, and Fees: <http://www.fws.gov/pacificislands/red.html>

Contact Information: The USFWS Pacific Islands Office (808) 792-9400

Estimated Time for Permit Approval Decision from Application Acceptance: See Checklist / Process

Checklist / Process	Chronology
1. Verify if an ITP may be needed. Work with USFWS and DOFAW to identify species to be potentially covered in the HCP and initiate development of the Draft HCP	
2. Obtain a NEPA determination from USFWS on the level of environmental disclosure for the proposed project – Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement.	
3. USFWS publishes the Notice of Intent in the Federal Register.	
4. USFWS conducts a NEPA scoping meeting.	
5. Applicant continues to develop a HCP with technical assistance from USFWS and DOFAW while concurrently drafting the NEPA document.	
6. USFWS reviews the draft HCP and the draft NEPA document. Several iterations of the draft HCP may be necessary.	
7. Prepare an Implementing Agreement, if required.	
8. Publish the draft HCP and draft NEPA document in the Federal Register for a public comment period. The comment period varies from 30, 60, or 90-days depending on the level of effects.	
9. USFWS may request revisions to draft HCP and draft NEPA document based on public comments received.	
10. Finalize the HCP and NEPA document.	

11. Publish the final HCP and final NEPA document in the Federal Register.	
12. USFWS issues a Record of Decision (for an EIS) or Finding of No Significant Impact (for an EA).	
13. USFWS issues the ITP	Up to 30 days
Estimated Time for Completing the Process	Varies – expect 1.5 to 3 years

Other Application Considerations:

1. An ESA Section 7 Determination is required for any federal agency providing any type of authorization or funding for a proposed project. This federal agency (the “action agency”) is required to obtain a Biological Opinion (BO) and Incidental Take Statement (ITS) if it is determined that there is potential for impacts to federal listed species.
2. Developers should assess whether there is the potential for impacts to ESA-listed species.
3. Compliance with ESA Section 10 is applicable to non-federal entities where there is no federal nexus (authorization or funding) where incidental take coverage is provided through an ITP.
4. The federal ITP/HCP process is equivalent to the DOFAW Incidental Take License (ITL)/ HCP process, and the HCP may be prepared as a joint document that meets both USFWS and DOFAW requirements. Interagency consultation and coordination is necessary during the preparation and processing of the HCP.