Permit Packet Includes:

- 1. Process Overview
- 2. Endangered Species Act of 1973 (see Addendum ESA)
- 3. EPA, FWS, and NMFS MOA, February 2001 (see Addendum ESA)
- 4. Section 10 Regulations (see Addendum **ESA Section 10**)
- 5. FWS and NMFS HCP and ITP Processing Handbook, November 1996 (see Addendum **ESA Section 10**)
- 6. Addendum to FWS and NMFS HCP and ITP Processing Handbook, June 2000 (see Addendum **ESA Section 10**)
- 7. HCP Assurances "No Surprises" Rule, February 1998 (see Addendum ESA Section 10)
- 8. FWS and NOAA Safe Harbor Policy, June 1999 (see Addendum ESA Section 10)
- 9. Marine Protected Species of the Hawaiian Islands, April 2008

Approval or Permit Required: To conduct an otherwise lawful activity that might incidentally, but not intentionally, "take" (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) an Endangered Species Act (ESA) listed marine mammal, anadromous fish, or other living marine resources.

Contact Information:NMFS Pacific Islands Regional Office (PIRO)
Protected Resources Division (PRD)
1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814
Phone: 808-944-2200

Website:

NOAA Fisheries – Office of Protected Resources Conservation Plans (CPs) Website: http://www.nmfs.noaa.gov/pr/permits/cp.htm

Endangered Species Permits and Conservation Plans Website: <u>http://www.nmfs.noaa.gov/pr/permits/esa_permits.htm</u>

Incidental Take Authorizations NOAA Fisheries – Office of Protected Services Website: <u>http://www.nmfs.noaa.gov/pr/permits/incidental.htm</u>

Incidental Take Permit Endangered Species Section 10 (a)(1)(B) - NOAA-1 National Oceanic and Atmospheric Administration **National Marine Fisheries Service**

Notes:

- An Endangered Species Act (ESA) Section 7 Determination is required for any federal _ agency (other than NMFS) providing any type of authorization or funding to a proposed project. This federal agency (the "action agency") is required to obtain a Biological Opinion (BO) and Incidental Take Statement (ITS), also known as an Endangered Species Permit, to allow the agency to authorize or fund the project.
- Section 7 will apply to the majority of renewable energy projects in Hawai'i.
- An ESA Section 10 Determination is required for non-federal entities to obtain an Incidental _ Take Permit (ITP), which is only necessary if there is no federal authorization or funding to the proposed project.

		Steps	Time		
	1.	Contact the NMFS Pacific Islands Regional Office to receive guidance on			
	1	developing complete and adequate application materials and to determine when			
		the application form and materials are ready for submission.			
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	2.	Obtain National Environmental Policy Act (NEPA) determination and draft analysis (CX, EA, or EIS). NMFS is responsible for ensuring NEPA compliance	Up to 1 year		
	1	during the habitat conservation plan (HCP) process. However, if NMFS does not			
	1	have sufficient staff resources to prepare the appropriate NEPA analysis in a			
	1	timely fashion, an applicant may, within certain limitations, prepare draft			
	1	Environmental Assessment analyses. This can benefit the applicant and the			
	ı.	government by expediting the application process and issuance of the permit.			
	1	When this is done, NMFS will provide the preparer with appropriate guidance			
	1	concerning document preparation; and review the document within 30 days and			
l		take responsibility ultimately for its scope, adequacy, and content.			
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	3.	Submit a Scientific Purposes, Enhancement of Propagation or Survival permit	Minimum		
	1	(commonly called a Recovery permit) application before engaging in any biological survey activities that would take listed species. Contact the nearest	3 months prior to start		
	1	Field Office to receive guidance on developing complete and adequate	of survey		
	1	application materials.	activities		
	4.	Draft a conservation plan (CP), also known as a habitat conservation plan			
	ı.	(HCP). A biological survey may be required to determine which species and/or			
	1	habitat would be impacted by the activities sought to be covered under the			
	1	permit. Biological surveys provide information necessary to develop an			
	ı.	adequate HCP, and to assess the biological impacts of the proposed activities.			
	1	In addition, the information provided in a biological survey can reduce the			
	1	applicant's risk of take under Section 9 of the Endangered Species Act by ensuring that affected species and/or habitat are identified and appropriately			
	1	covered under the permit.			
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ſ	F	Cubrit complete application postere. The application posteres trainally			
	ວ.	Submit complete application package. The application package typically includes the standard application form, fee (if required), a HCP, an			

Incidental Take Permit Endangered Species Section 10 (a)(1)(B) - NOAA-1 National Oceanic and Atmospheric Administration National Marine Fisheries Service

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	Implementation Agreement (if required), and a draft NEPA analysis (if required).	
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6.	NMFS processes the permit application, during which time they will prepare the incidental take permit, write a biological opinion under section 7 of the ESA, and	
	finalize the NEPA analysis documents.	
	Target Processing Timeline:	
	3 months for low-effect HCPs	
	4 – 6 months for HCPs with EA	
	Up to 12 months for HCPs with a 90-day comment period and/or EIS	
7.	NMFS announces the HCP and NEPA analysis in the Federal Register and	Minimum
	makes them available for public review and comment.	60 days
8.	NMFS issues final decision on permit application.	3 – 12 months
		from Step #5
	Total Time Period:	3 months to

Total Time Period: 3 months to 2 years

Fees	Amount	Maximum
Application fee	\$25	\$25
Total Fees:	\$25 (minimum)	\$25 (maximum)