

**NOAA's National Marine Fisheries Service (NMFS)
Emergency EFH/ESA section 7 Consultation Procedures for FDOT Projects**

Criteria: A bridge or road that has been washed-out and needs to be fixed/built immediately to prevent a life-threatening condition and loss of property.

1. Contact the Gulf or Atlantic NMFS Environmental Technical Advisory Team (ETAT) member representative immediately to get approval. NMFS staff will contact their immediate supervisor in NMFS Habitat Conservation Division (HCD) for approval of an emergency EFH consultation; and either the Protected Species Team Leader (Bob Hoffman) or PRD-Assistant Regional Administrator (David Bernhart) for an emergency section 7 consultation approval.

*Atlantic Coast*¹
(District 2, 5, 4, & 6)

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Please note: An approval for an emergency EFH consultation does not constitute an approval for emergency section 7 consultation on ESA-listed species and vice versa.

2. If approved, immediately provide the following information via fax or email:
 - Name and phone number of FDOT's Contact person/project manager
 - Complete description of the work
 - Location of the project
 - Pre-construction pictures
 - Date
 - Time

¹ Atlantic Coast staff may be moving to a new office in the Atlantic Coast by 2006. Thus, this address and direct phone line may change. However, the cell phone will remain the same.

3. If a “take” occurs, immediately contact NMFS Law Enforcement (LE) Hotline: 1-800-853-1964 and provide the following additional information:

- Name and phone number of the contact person
- Date
- Time
- Location
- Brief description of the location
- Brief description of the species
- Water temperature
- Pictures of the species and location

The above information could be documented on NMFS LE Chain of Custody (COC) form in the “Description of Evidence/Property” Box or noted as an attachment to the COC (see attachment).

Note: If a LE Special agent cannot arrive at the scene immediately, take lots of pictures of the species, place the species and/or plug sample of the species in a freezer unless told otherwise by LE dispatcher.

4. After the project is finished, a complete, detailed report must be provided within 30 days to NMFS. The report should include the following:

- Detailed construction activities
- List of BMPs implemented
- List of protective and conservation measures for ESA-listed species implemented
- Pre- and post-construction pictures
- Pre-and post-construction conditions
- Final construction design
- Effects analysis of the construction activities to the habitat and listed species
- An account of impacted EFH, and ESA-listed species
- Post-construction monitoring plan that includes habitat, fish, and water quality surveys/report.
- Mitigation plan to offset unavoidable impacts

CHAIN OF CUSTODY RECORD <small>3/8/05</small>				CASE CONTROL NO.
DATE/TIME OF SEIZURE:		DUTY STATION:		EVIDENCE/PROPERTY SEIZED BY:
SOURCE OF EVIDENCE/PROPERTY (Person and/or Location) () TAKEN FROM; () RECEIVED FROM; () FOUND AT:			DEFENDANT/COMPANY NAME:	
REMARKS:				
ITEM NOS:	DESCRIPTION OF EVIDENCE/PROPERTY (include Seizure Tag Numbers and any serial numbers):			
ITEM NOS:	FROM: (PRINT NAME, AGENCY)	RELEASE SIGNATURE:	RELEASE DATE:	DELIVERED VIA: () U.S.MAIL () IN PERSON () OTHER:
	TO: (PRINT NAME, AGENCY)	GAINING SIGNATURE:	DATE :	
ITEM NOS:	FROM: (PRINT NAME, AGENCY)	RELEASE SIGNATURE:	RELEASE DATE:	DELIVERED VIA: () U.S.MAIL () IN PERSON () OTHER:
	TO: (PRINT NAME, AGENCY)	GAINING SIGNATURE:	DATE:	

CHAIN OF CUSTODY RECORD <small>3/8/05</small>				CASE NUMBER #
ITEM NOs:	FROM: (PRINT NAME, AGENCY)	RELEASE SIGNATURE:	RELEASE DATE:	DELIVERED VIA: () U.S.MAIL () IN PERSON () OTHER:
	TO: (PRINT NAME, AGENCY)	GAINING SIGNATURE:	DATE:	
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