

LEGISLATED TIMELINES (See 50 CFR 402 for details)

Formal Consultation — *Before* Initiation

0-30 days Within **30 days** of species list request, Service provides species list to a Federal Agency regarding proposed action(s) that may require formal consultation (or concurs with a list submitted by the Federal Agency.) The Agency must start their biological assessment within **90 days** of receiving species list or request an update. They must complete the biological assessment within **180 days** of receiving the list.

Formal Consultation — *After* Initiation

0-30 days Within **30 days** of receiving a request for formal consultation, the Service concurs with the Agency's biological assessment or notifies them that Service does not concur. Service notifies the Agency (in writing) that the Service has enough information to initiate consultation or requests that the Agency submit more information (pursuant to 50 CFR 402.14(c) and, if it is a major federal action, 50 CFR 402.12(f)).

0-90 days* Service completes formal consultation. Consultation may be extended if the Service and the Agency agree. (If a non-Federal applicant is involved, the extension is limited to **60 days** unless the applicant agrees to a longer extension.)

90-135 days The **45 day** period after consultation. During this period, the Services write the final opinion. *There is no more consultation with the Federal Agency or applicant during this period.* If the Agency submits comments on a draft opinion during the last **10 days** before the deadline, the Service can take an automatic **10-day** extension to complete the final opinion.

Non-legislated Time Lines

0-30 days Courtesy responses to inquiries, technical assistance to non-Federal parties and species lists not associated with formal consultations.

LEGISLATED TIMELINES

- 10 days – automatic extension of deadline, when agencies submit comments to draft opinion within 10 days of deadline
- 30 days – species list, either written or concurred with
- 30 days – concurrence or not with BA
- 45 days – period after the 90-day consultation period, write the biological opinion, make sure applicant and agency both get a copy
- 45 days – confirmation of preliminary biological opinion, or not
- 60 days – limit on extension of formal consultation period without applicant's consent
- 90 days – how long a species list is “good”
- 90 days – biological opinion, action is jeopardy/adverse modification of critical habitat or not
- 180 days – agency or non-Federal representative has to complete biological assessment

Non-legislated

- 30 days – courtesy response to inquiries, technical assistance