



DEPARTMENT OF THE ARMY  
ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT  
600 ARMY PENTAGON  
WASHINGTON DC 20310-0600



REPLY TO  
ATTENTION OF

23 JAN 2002

DAIM-ED-N (200-3)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Emergency Consultations under the Endangered Species Act

1. References:

- a. The Endangered Species Act.
- b. 50 CFR Part 402, Section 402.05 Emergencies.
- c. Endangered Species Act Consultation Handbook, Sections 8.1-2, Mar 98.
- d. AR 200-3, Natural Resources – Land, Forest, and Wildlife Management, 28 Feb 95.

2. Major Army commands (MACOMS) are reminded that expedited procedures for conducting emergency consultations under Section 7 of the Endangered Species Act (ESA) are set forth in section 402.05 of reference 1b ([http://www.access.gpo.gov/nara/cfr/waisidx\\_00/50cfr402\\_00.html](http://www.access.gpo.gov/nara/cfr/waisidx_00/50cfr402_00.html)). Additional guidance is provided in chapter 8 of reference 1c (<http://endangered.fws.gov/consultations/s7hndbk/s7hndbk.htm>). These emergency procedures are designed to provide relief in those situations where using the standard procedures does not allow the action agency to carry out emergency response activities in a timely manner.

3. An emergency under the ESA is defined as a situation involving an act of God, disasters, casualties, and national defense or security emergencies. The US Fish and Wildlife Service (USFWS), Washington Office, has agreed that some of the actions associated with Operation Enduring Freedom could be considered emergencies. The informal stage of an emergency consultation can be accomplished in about 48 hours during which time the action agency may notify the USFWS and seek recommendations on how to avoid or minimize take as emergency activities are carried out. Formal consultation, if necessary, is deferred until after the action is taken and the emergency is under control. The key step is early notification of the local USFWS Ecological Services Office.

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4. Prior to initiation of formal consultations (after the emergency consultations), installations accomplish MACOM and Headquarters review of all documents submitted to the USFWS, in accordance with Section 11-7, b(1), of reference 1d.

5. The Army staff point of contact (POC) for threatened and endangered species issues can be reached at 703-693-0680. The US Army Environmental Center POC for threatened and endangered species issues can be reached at 410-436-1560.

FOR THE ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT:

/s/

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Colonel, GS  
Director, Environmental Programs