

Endangered Species Act Overview

For Federal Agencies



*Endangered Species Program,
U.S. Fish and Wildlife Service*



Sea Turtles



Gulf sturgeon



Electro shocking



Beach mouse recovery



Feeding red
cockaded
woodpeckers



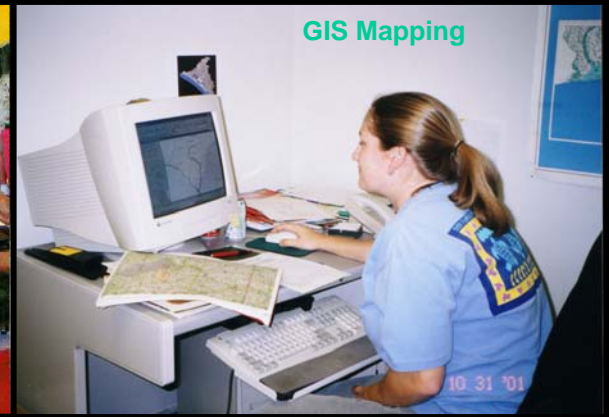
Stocking fish



PAPERWORK!



Outreach

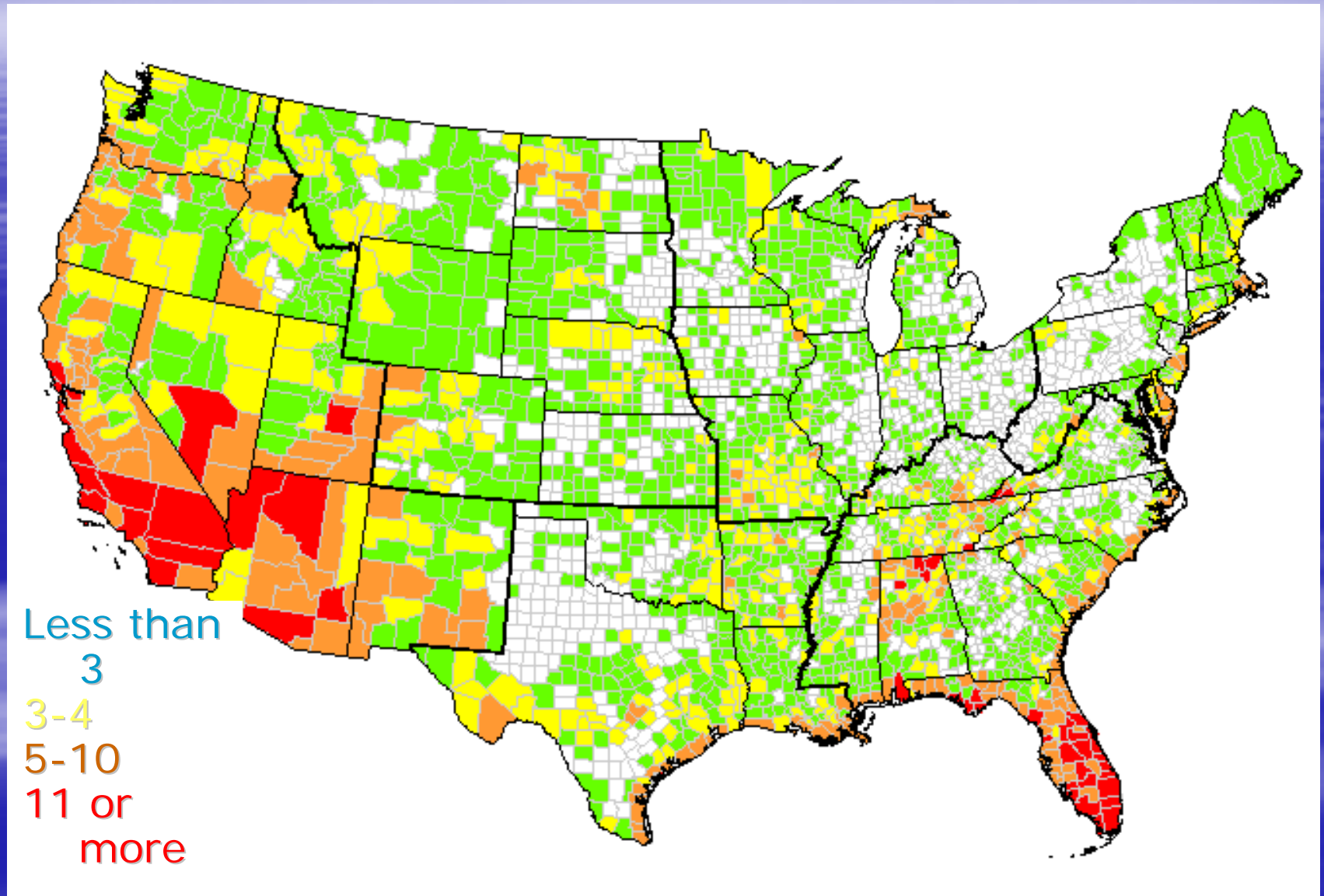


GIS Mapping

Purposes of ESA

- Provide a means to conserve ecosystems of threatened and endangered species
- Establishes a program for the conservation of threatened and endangered species

Distribution of Listed Species by County, 1995



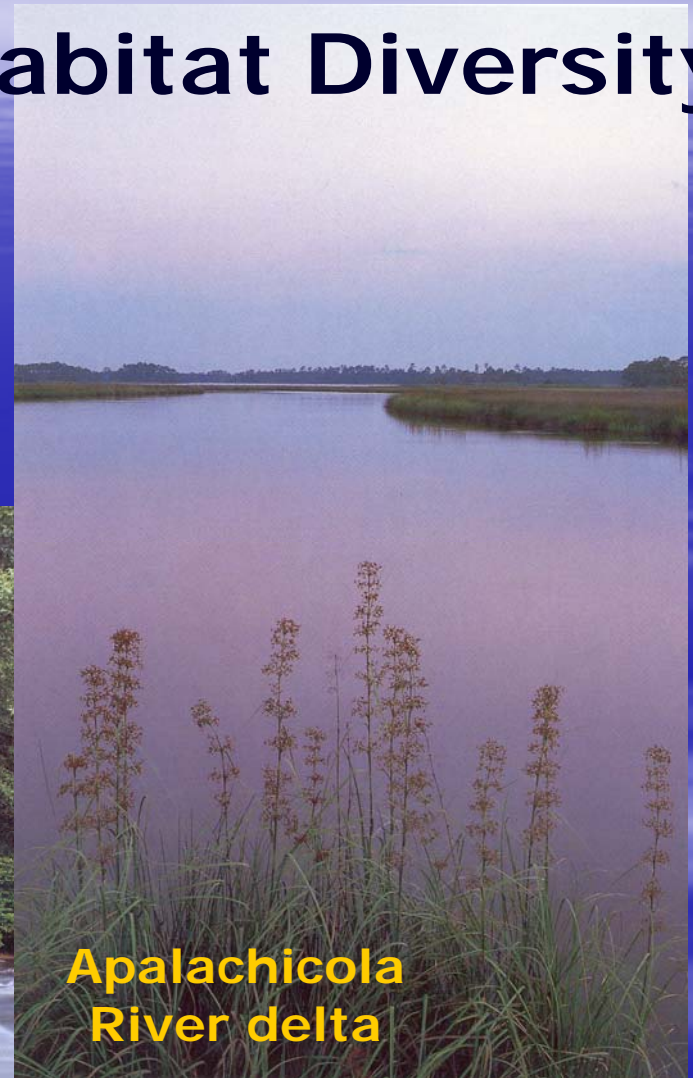
ACF Basin Aquatic Habitat Diversity



Flint River
Photo by R. T. Bryant



Chattahoochee River headwaters

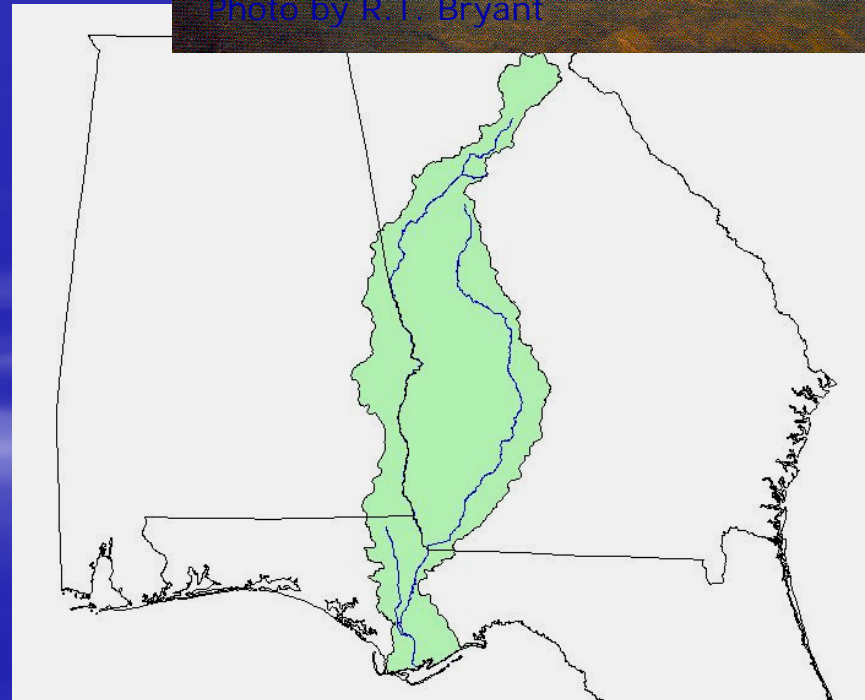


**Apalachicola
River delta**

Photos by J. & M. Cook

ACF Basin Aquatic Biodiversity

- Fish: 122 species
- Mussels: 29 species
- Crayfish: 30 species
- Highest US density reptiles & amphibians
- Estuary one of most productive fisheries in North America
- Flint River: 214 miles without a dam



ESA-listed species in the ACF

Gulf sturgeon



Fat three-ridge



Purple bankclimber



Shiny-rayed pocketbook



All ESA-Listed Aquatic Species in the ACF Basin

7 species

Fish

Gulf sturgeon(T)

Mussels

Fat threeridge (E)

Chipola slabshell (T)

Purple bankclimber (T)

Shiny-rayed pocketbook (E)

Gulf moccasinshell (E)

Oval pigtoe (E)

Endangered Species Act

- Response to accelerated decline of species
- Purpose is to conserve ecosystems
- Listing a species is a 911 call
- Active conservation to prevent listing and allow delisting

Definitions

- **Endangered**
Any species in danger of extinction throughout all or a significant portion of its range
- **Threatened**
Any species likely to become endangered in the foreseeable future in all or a significant portion of its range

Endangered Species Act

- Sec. 4 requires listing if possible extinction, requires recovery planning
- Sec. 7 requires Federal agency consultation
- **Sec. 9 prohibits take of a species**

Sec. 7 Consultation

- Every Federal agency must be in compliance with the ESA
- and use their authorities to further the purposes of the Act



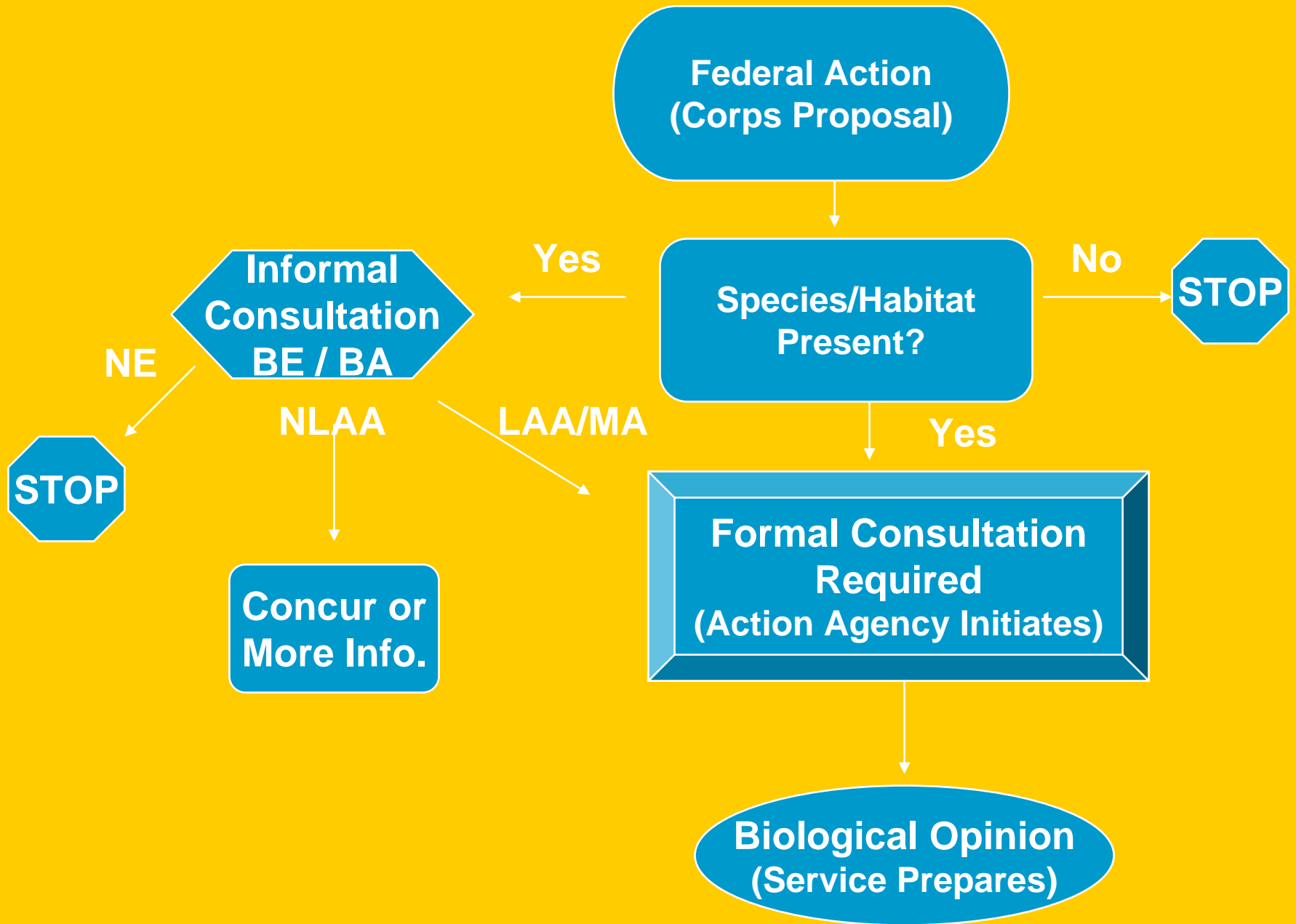
Sec. 7 Consultation

- The role of the Service is to help the action agency be in compliance and avoid Section 9 violation and penalties
- See Consultation Handbook for guidance
 - (www.fws.gov)



Interagency Consultations

- Applies to all discretionary federal actions that:
 - an agency funds, carries out or permits and
 - may affect a listed species or critical habitat
- More than 70,000 actions reviewed annually
- Conflicts frequently resolved with minor project modifications completed concurrently with other project planning



Formal Consultation Information Needs and Initiation

- ESA requires the action agency to provide the best scientific and commercial data available.
- Within 30 days, the Service provides written acknowledgment of consultation request and advises of any data deficiencies.

Formal Consultation Time Requirements

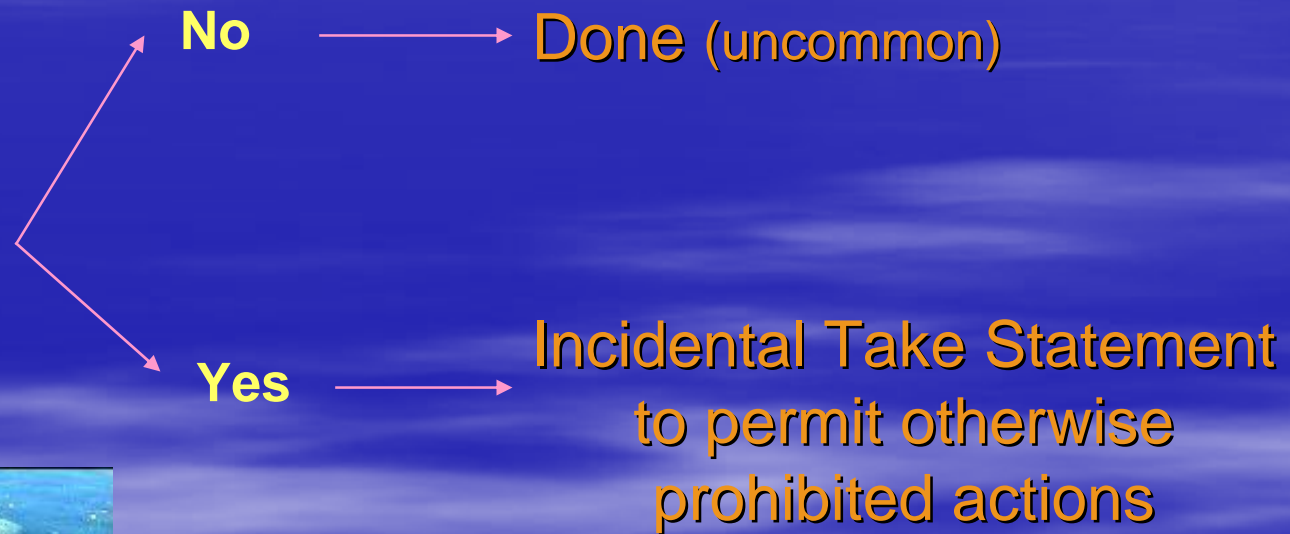
- Clock starts when adequate information is provided including Biological Assessment
- Consultation - 90 days
- Biological Opinion - 45 days
- Can be extended if mutually agreed

Typical Biological Opinion

- Describes the proposed action
- Summarizes the status of the species and critical habitat
- Describes the baseline
- Determines effects of action including cumulative
- Conclusion – jeopardy or adverse modification?
- Incidental take statement and measures to minimize harm
- Conservation recommendations

Biological Opinion

- Take?



Section 9

- **The take prohibition for wildlife applies to any person including a Federal agency.**
- “Prohibited Acts” - Prohibit import or export or transport of listed wildlife or plants; also prohibit take and possession of wildlife - but not plants.

Section 9

- "Take" - to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in such conduct.

Harm

“Significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering” (50 CFR 17.3)



Incidental Take

“Take” resulting from, but not the purpose of, an otherwise lawful activity

- Only applies to levels of take that do not cause jeopardy or adverse modification
- Includes reasonable and prudent measures to minimize the take
- Terms and conditions are non-discretionary

Reasonable and Prudent Measures

- All reasonable measures to avoid and minimize extent of take.
- Mandatory.
- Includes monitoring
- Terms and Conditions - included as permit conditions or project plans.



Terms and conditions

- specific methods to accomplish each RPM
 - **clear, precise and enforceable**
 - **only minor changes to proposed action (can't alter basic design, location, scope, duration, or timing)**
 - **include reporting and monitoring requirements**
 - **salvage and disposition of species**

Biological Opinion

- Draft BO is submitted to Action agency for review
- Federal agency comments completes consultation on reasonable and prudent measures

Endangered Species Act

- It's about:

- Ecosystems



- Active conservation partnerships

- Balancing species' needs with people's needs



- Early planning and coordination is best

