

# 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



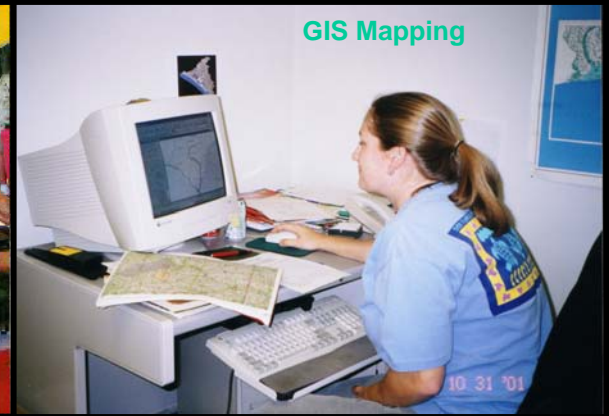
Stocking fish



PAPERWORK!



Outreach

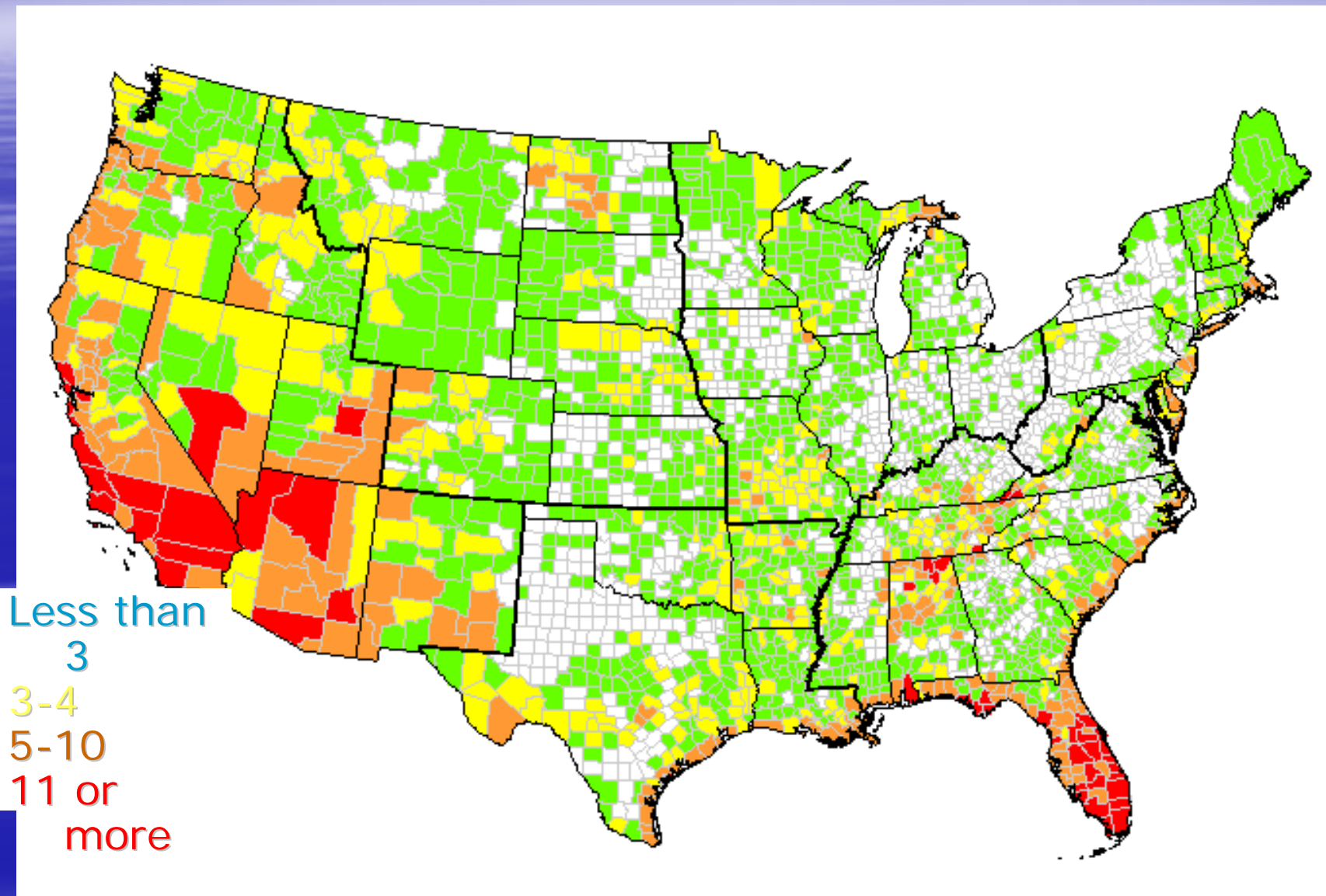


GIS Mapping



# 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





# ACF Basin Aquatic Habitat Diversity

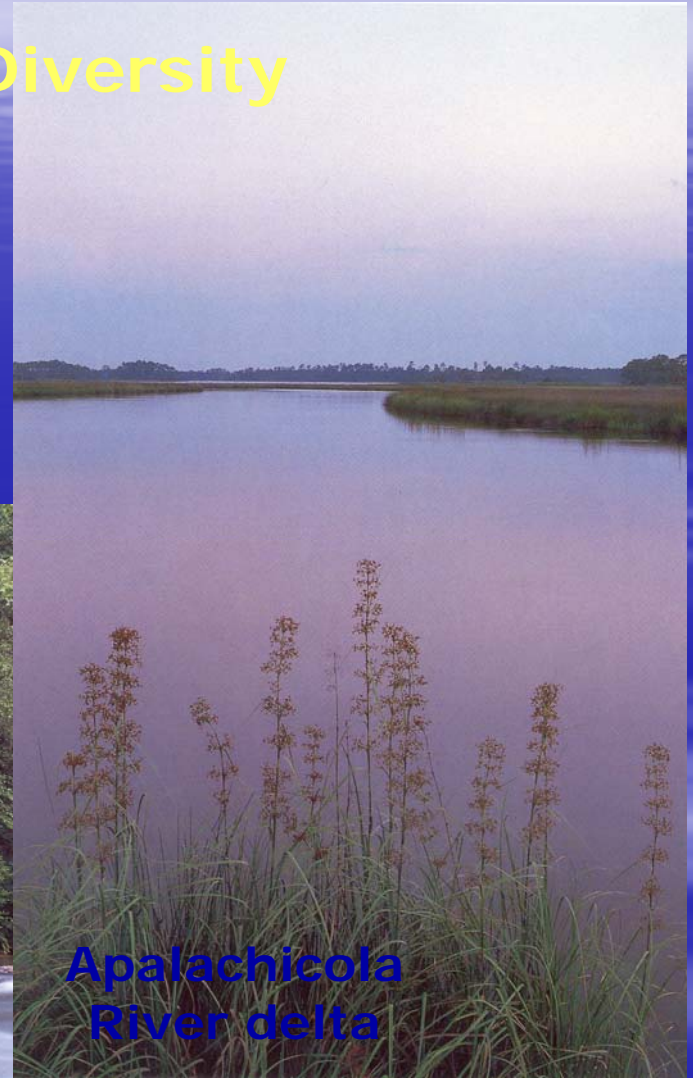


**Flint River**

Photo by R. T. Bryant



**Chattahoochee River headwaters**



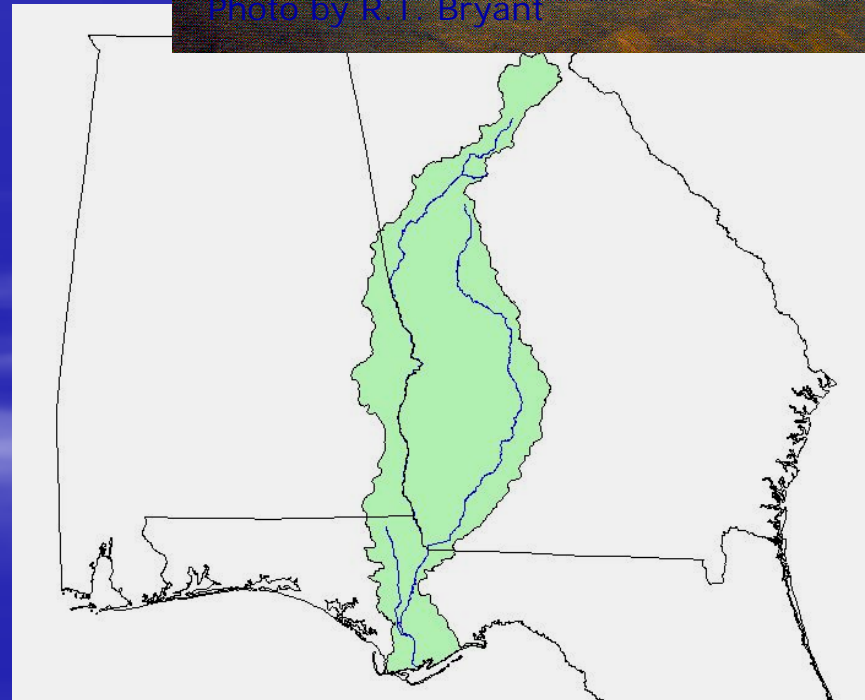
**Apalachicola  
River delta**

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**



# 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

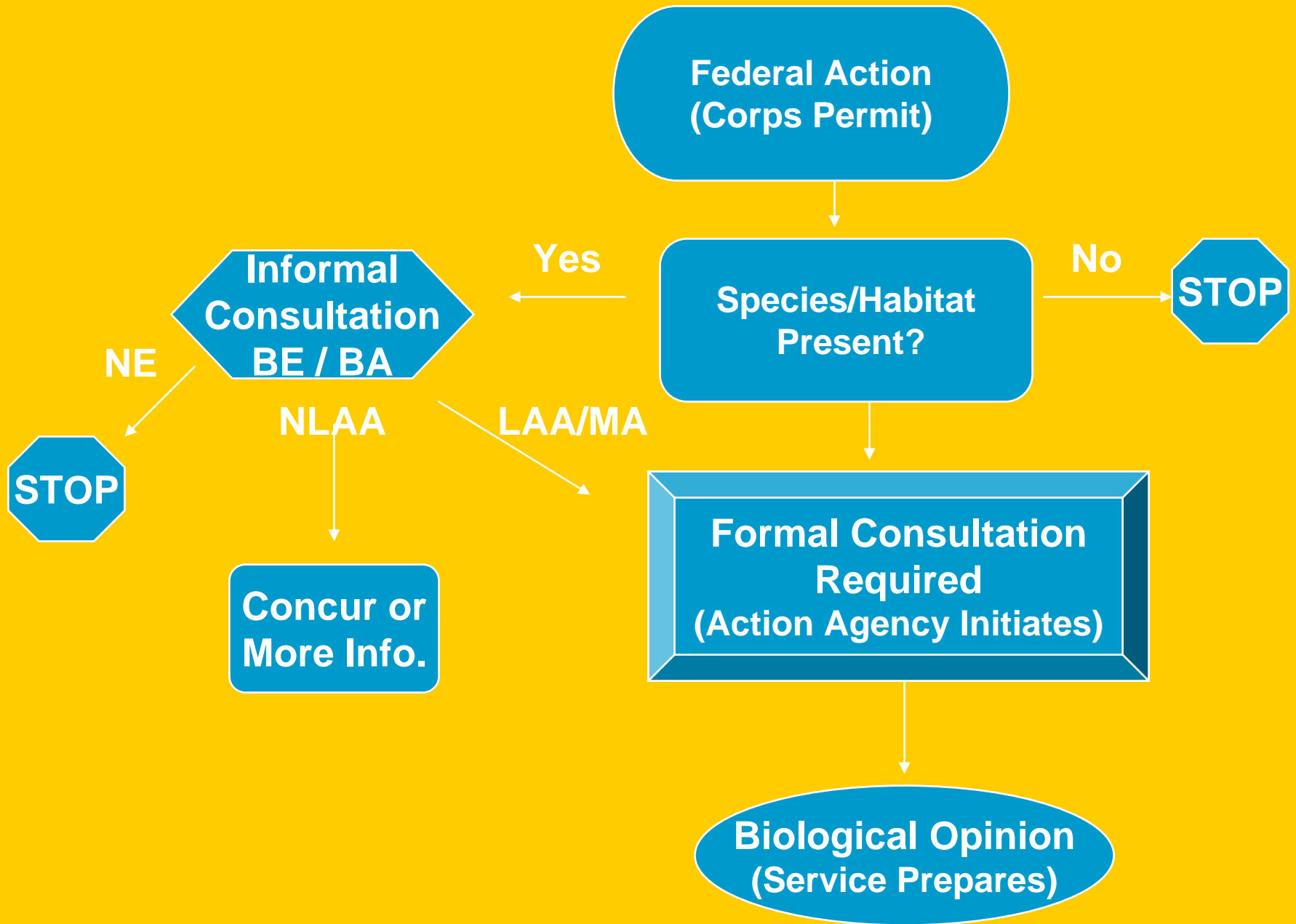
- The role of the Service is to help the action agency be in compliance and avoid Section 9 violation and penalties
- See Consultation Handbook for guidance ([www.fws.gov](http://www.fws.gov))



# 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
- Conflicts frequently resolved with minor project modifications 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

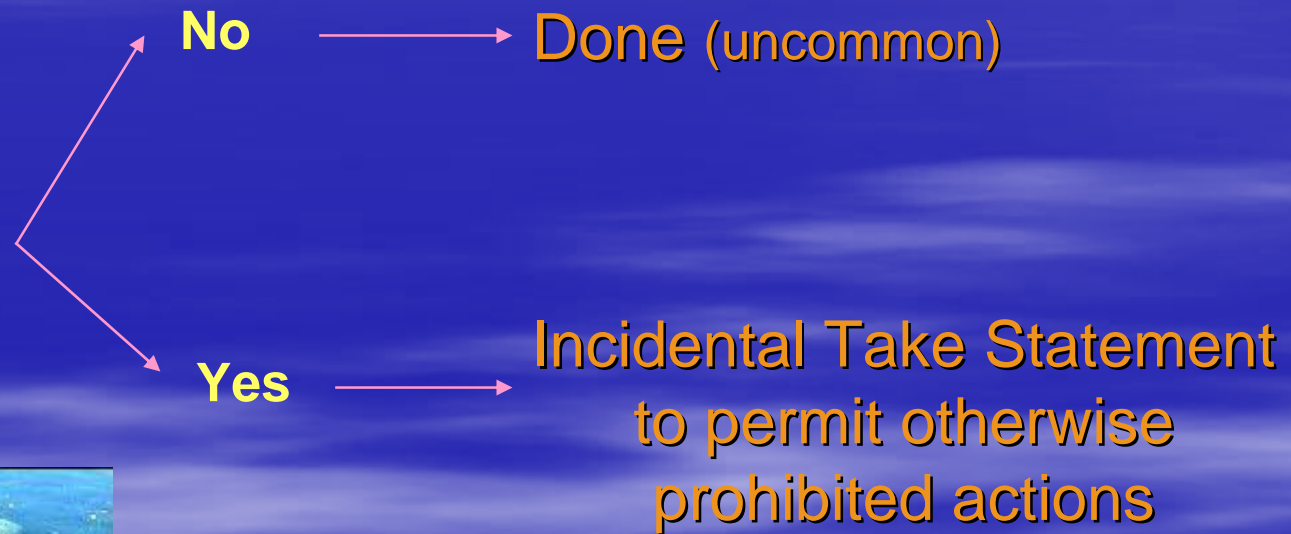


# Typical Biological Opinion

- 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
- Conservation recommendations

# Biological Opinion

- Take?



# Section 9

- Applies to Federal and non-Federal.
- “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
- Remember: **RPMs can't alter basic design, location, scope, duration, or timing of the federal action**

# Endangered Species Act

- It's about:

- Ecosystems



- Active conservation partnerships

- Balancing species' needs with people's needs



- Early planning and coordination is best



