What does “endangered” and “threatened” mean?

A species is listed under one of two categories, endangered or threatened, depending on its status and the degree of threat it faces.

An “endangered species” is one that is in danger of extinction throughout all or a significant portion of its range.

A “threatened species” is one that is likely to become endangered in the foreseeable future throughout all or a significant portion of its range. To help conserve genetic diversity, the Endangered Species Act (ESA) defines “species” broadly to include subspecies and (for vertebrates) distinct populations.

What are the criteria for deciding whether to add a species to the list?

A species is added to the list when it is determined to be endangered or threatened because of any of the following factors:

- the present or threatened destruction, modification, or curtailment of its habitat or range;
- overutilization for commercial, recreational, scientific, or educational purposes;
- disease or predation;
- the inadequacy of existing regulatory mechanisms;
- other natural or manmade factors affecting its survival.

What does “listing” mean for a species?

Once we add an animal or plant to the List, protective measures apply. These measures include protection from adverse effects of Federal activities (through consultations under section 7 of the ESA); restrictions on taking, transporting, or selling a species; authority for us to develop and carry out recovery plans; and Federal aid to State and Commonwealth wildlife agencies that have cooperative agreements with us. These efforts contribute to species’ survival and assist in achieving the ultimate goals — conserving plants and animals and maintaining their natural diversity and the ecosystems upon which they depend.
How does the Endangered Species Act protect animals?

The purpose of the ESA is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the U.S. Fish and Wildlife Service (FWS) and the Commerce Department’s National Marine Fisheries Service (NMFS). The FWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromons fish such as salmon.

Under the ESA, species may be listed as either endangered or threatened. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened. For the purposes of the ESA, Congress defined species to include subspecies, varieties, and, for vertebrates, distinct population segments.

All endangered and threatened animal species are protected under the ESA. Violation of the ESA happens when “take” occurs and can result in a fine, possible incarceration and possible confiscation of items used during the violation of the law.

“Take,” as defined by the ESA, means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct. Harm may include significant habitat modification that results in death or injury to a listed species by impairing behavioral patterns such as breeding, feeding or sheltering.

Is there a way to “take” listed species without violating the law?

Yes, an incidental take permit is required when non-Federal activities are likely to result in “take” of a threatened or endangered species while carrying out otherwise lawful activities.

The ESA provides for the Habitat Conservation Plan (HCP) process to allow development activities to proceed while promoting the conservation of listed species. The FWS and local Guam DAWR and CNMI DLNR can jointly process HCPs but issue separate incidental take permits and licenses, respectively.