



**UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
ENDANGERED SPECIES PROGRAM**

**An Introduction to the Endangered Species Act of 1973**

**Module 4 of 11 – Section 4 Listing**

**Time: 6:50**

**Slide 1 (Music Plays)**

**Slide 2**

Section 4 is the most extensive part of the Endangered Species Act. It spans a spectrum of activities beginning with how we identify species in need of the ESA's protection, to their removal from the lists of endangered and threatened species, once recovery goals are achieved.

**Slide 3**

Whether initiated by the Service, or by concerned citizens, listing a species is not an arbitrary process. In order to evaluate whether a plant or animal should be listed as endangered or threatened, five factors are considered using the best scientific and commercial information available.

**Slide 4**

“The present or threatened destruction, modification, or curtailment of its habitat or range;

Over-utilization for commercial, recreational, scientific, or educational purposes;

Disease or predation;

The inadequacy of existing regulatory mechanisms; or

Other natural or man-made factors affecting its continued existence.”

**Slide 5**

The process of listing a species is initiated in two ways. In the first process by which species may receive protection under the Endangered Species Act, the Fish and Wildlife Service or the National Marine Fisheries Service identify species for listing through internal assessment of their status.

These assessments routinely incorporate information from scientific literature, Federal and State natural resource agencies, universities, and commercial sources.

### **Slide 6**

If the assessment concludes that there is sufficient information on a species' biological vulnerability and level of exposure to threats to justify listing, a proposed rule to list the species will be developed.

However, if the development of a proposed rule is precluded by other higher priority listing activities, the species becomes a candidate for listing until such time as a proposed rule can be prepared.

### **Slide 7**

Candidate species are identified in a document called the *Candidate Notice of Review*, published annually in the *Federal Register*.

Identification of candidate species and the threats affecting them assists environmental planning efforts in the following ways:

- by providing advance notice of potential listings;
- prompting landowners and resource managers to alleviate threats; and
- possibly conserving these species so that listing is unnecessary.

### **Slide 8**

Candidate species do not receive any protection under the ESA, but are nevertheless a high conservation priority for the Service.

If a candidate species is subsequently listed, the information provided in the *Candidate Notice of Review* will have identified threats and can help guide specific actions for the species' recovery.

### **Slide 9**

The other way that plants and animals may receive the protections of the Endangered Species Act is by a request from a private citizen or organization that petitions the Fish and Wildlife Service, or the National Marine Fisheries Service to list a species.

The petition must provide appropriate documentation of the reasons a plant or animal needs the ESA's protection.

**Slide 10**

To the maximum extent practical, within 90 days of receiving the petition, the Services make an initial response or finding and publish it in the *Federal Register*.

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This 90-day finding has two possible outcomes.

If the Service determines that the petition does not present substantial information indicating that the petitioned actions may be warranted, the listing process stops.

The 90-day finding may conclude that the petition presents substantial information indicating that a listing action may be warranted.

In this second scenario, the Service proceeds with the listing process by collecting and evaluating additional information about the species for a 12-month petition finding.

**Slide 12**

In developing the 12-month finding, the Service conducts a status review that includes seeking additional information about the species from other Federal agencies, States, Tribes, natural resource organizations, universities, commercial sources, and the public.

The objective is to compile as much information about the species and its status as possible, and make a determination whether the species meets the definition of threatened or endangered.

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The 12-month finding has three possible outcomes.

If the Service determines listing is not warranted, the process stops.

If the Service determines that listing is warranted, the next step is the preparation of a proposed rule to list the species.

When the proposed rule is published in the *Federal Register*, the general public is invited to provide comments, and peer review is conducted.

**Slide 14**

If it is determined that a species needs protection under the ESA, a final rule is published in the *Federal Register* within the next year.

It is the publication of a final rule that places a species on the lists of endangered and threatened animals and plants.

**Slide 15**

Sometimes there are not enough budgetary or staff resources to proceed further in the listing process than the 12-month finding, in light of other species that have greater conservation needs and take higher priority for listing.

In these instances, the 12-month finding may conclude that a listing is warranted but precluded by higher listing priorities

In these situations, a species is considered a candidate for listing.

**Slide 16**

Thus, whether originating by internal agency status reviews or the petition process, species of plants or animals that warrant listing but are precluded from completing that process due to higher priority listing actions are referred to by the Services as candidate species.

And again, while these candidate species receive no protection under the ESA, a key goal of the Services' candidate conservation efforts is to encourage actions that will preclude the need to list these species.

**Slide 17**

To assist this effort, both the Fish and Wildlife Service and National Marine Fisheries Service have developed programs to begin conserving these species while they are waiting to be listed.

**Slide 18**

Removing or reducing threats to candidate plants and animals is accomplished through specific conservation actions.

Often, these actions are identified in conservation agreements.

Our partners for these agreements are usually other Federal agencies, States, or individual landowners who have an appreciation of our nation's biological heritage and a desire to be part of the solution to a species' problems.

**Slide 19**

Restoring candidate species to ecological health also has the advantage of not being regulatory in approach and generally is less expensive than recovering species and their habitats, once listed.

Though we have discussed the petition process as it applies to listing a species, under the ESA the Services may also be petitioned to delist or reclassify threatened and endangered species, and to revise critical habitat.

**End Segment**