



**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 9 of 11 – Prohibited Acts

Time: (1:46)

Slide 1 (Music Plays)

Slide 2

Section 9 describes activities which are prohibited in order to protect species from being harassed or killed and having their habitat destroyed or disturbed.

Slide 3

Section 9, Prohibited Acts, specifically prohibits the take of endangered animals.

“The term ‘take’ means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”

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Once a species is listed, Section 9 of the Endangered Species Act makes it unlawful for any person – including private and public entities – to take individuals of an endangered animal species.

These prohibitions have been extended, by regulation, to threatened species.

Slide 5

The term “harm”, mentioned as part of the definition of “take”, is further defined by regulation to include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering.

These actions, referred to as take prohibitions, apply to any person, organization, or entity including a Federal agency.

Slide 6

What if take occurs in a situation involving the protection of life and property?

The ESA carries the following provision:

“... no civil penalty shall be imposed if it can be shown by a preponderance of the evidence that the defendant committed an act based on a good faith belief that he was acting to protect himself or herself, a member of his or her family, or any other individual from bodily harm, from any endangered or threatened species.”

End Narration.