



**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 10 of 11 – Permits and Exceptions

Time: (2:39)

Slide 1 (Music Plays)

Slide 2

Under Section 10, the Services can issue permits that allow limited take of listed species for scientific purposes, or to enhance the propagation or survival of a species.

Examples of individuals and organizations that are issued permits for the limited take of listed species include university researchers and conservation organizations including zoos, botanical gardens, and aquariums.

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Enhancement of survival permits that authorize limited take also may be issued to private property owners who participate in voluntary conservation agreements, such as Safe Harbor Agreements, or Candidate Conservation Agreements with Assurances that provide conservation benefits to listed or candidate species.

Participating property owners are also provided with the assurance that the Services will not require additional actions beyond those specifically spelled out in the agreement.

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Habitat Conservation Plans are another tool for conserving listed, proposed, and candidate species while providing for development that will not “appreciably reduce the likelihood of the survival and recovery of the species in the wild.”

The Service can issue incidental take permits to non-Federal entities such as private landowners under section 10 of the Endangered Species Act, provided an approved Habitat Conservation Plan is developed and implemented.

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To approve a Habitat Conservation Plan, the Services must find that the applicant will monitor, minimize and mitigate the impacts of any incidental taking of the listed species for which the plan was designed to the maximum extent practicable, and that any incidental take will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.

In addition to exempting any incidental take of listed species from the prohibitions of Section 9, HCPs come with an additional benefit called “No Surprises.”

Once an HCP permit has been issued, and as long as the permitted activity is not jeopardizing listed species, the Services may not require the commitment of additional funding or resources from the HCP participant.

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The Services may develop special rules for endangered and threatened species to allow for more management flexibility.

Special 4(d) rules may be developed for threatened species to exempt some activities from section 9 prohibitions.

Under section 10(j), experimental populations are generally treated as proposed species, even if the species is listed as endangered.

A special rule specifies the prohibitions that apply to the species for which the rule was designed.

End Narration.