

# Determination of Status

# Goals for this Presentation

- **Explain the Definitions for:**
  - Threatened
  - Endangered
  - Not Warranted
  - Foreseeable Future
- **Introduce the “5 Factors”**



# Status Definitions

## **Endangered Species**

a species which is in danger of extinction throughout all or a significant portion of its range

## **Threatened Species**

any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

## **Not Warranted**

not defined by the ESA;  
functionally not threatened or endangered

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“Foreseeable future”  
is not defined in the  
ESA or regulations

# Foreseeable Future

## **Solicitor's Opinion:** (M-Opinion, January 16, 2009)

- Congressional history/intent
- No defaults (i.e., standard timeframe)
- Reliable predictability of threats into future (reasonable person standard)

## **FWS Recommendations:**

- No specific guidance document
- Foreseeable future = temporal evaluation of threats
- Do not need to specify a specific number of years



# Foreseeable Future

Clearly articulate how far we can reasonably predict into the future the trends of threats acting on a species and the species' response to those threats.

In data-poor situations, observable population-level trends may act as a surrogate (how far is reasonable, based on our confidence in the data).

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# “In Danger of Extinction”

**“In danger of extinction”**: currently on the brink of extinction in the wild (as opposed to captivity)

- It does not necessarily mean that extinction is imminent or inevitable, or even more likely than not
- Nor must the actual extinction event (death of last individual), if it occurs, occur in a short period of time
- Dependent on life history and ecology of the species, nature of threats, and species’ response to those threats

*Service’s supplemental explanation for the polar bear listing (12/22/2010)*



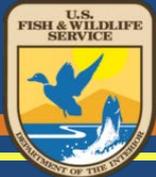
# Four Categories of “In Danger of Extinction”

1. Species facing a catastrophic threat from which the risk of extinction is imminent and certain;
2. Narrowly restricted endemics that, as a result of their limited range or population size, are vulnerable to extinction from elevated threats;



# Four Categories of “In Danger of Extinction”

3. Species formerly more widespread that have been reduced to such critically low numbers or restricted ranges that they are at a high risk of extinction due to threats that would not otherwise imperil the species;
4. Species with still relatively widespread distribution that have nevertheless suffered ongoing major reductions in its numbers, range, or both, as a result of factors that have not been abated.



# Status Evaluation and Determination

- Complete threats evaluation (5-factor analysis)
- Integrate temporal evaluation
- Make a determination of status of species
- Compare species' status with definitions of T & E
- Make ESA determination of status (NW, T, E)
- *Summarize status rationale in Determination*
- *Include discussion of why alternatives are not correct*



# Effects of Listing as Threatened vs. Endangered:

## Threatened:

- Allows for a 4(d) special rule
- Identify prohibitions (Section 9) necessary and advisable for the species' conservation

## Endangered:

- All prohibitions (Section 9) apply
- May receive priority for some funding allocations



# 5 Factors

- **Factors are listed in section 4(a)(1) of the Endangered Species Act but not defined**
- **Analysis includes a temporal component (present threats and threats anticipated the near future)**
- **The analysis also considers to what degree factors affect the life history functions of the species at the individual, population or species level**



# Threat Analysis

**Describes the pertinent threat. Explains how a threat affects the species:**

- Exposure and response
- Severity and immediacy of the threat
- Temporal evaluation of threats (is it happening current or expected in the future)
- Consider how conservation efforts are addressing the threat



# Factor A

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



# Factor B

**Overutilization for commercial,  
recreational, scientific, or educational  
purposes**



# Factor C

## Disease or predation

- Diseases that have a clear indication of threat to species
- Predation



# Factor D

**The inadequacy of existing regulatory mechanisms**



# Factor E

**Other natural or manmade factors  
affecting its continued existence**



# Threat Analysis

**One factor by itself may not pose threat, but in combination with other factors, it rises to level of a threat.**



# Questions



The Endangered Species Act is available online:

*<http://1.usa.gov/1utJZn4>*

The Solicitor's Opinion on Foreseeable Future, is also available online:

*<http://on.doi.gov/1vapbzQ>*

