

Endangered Species Act Emergency Response Process

The US Fish and Wildlife Service (Service) provides this overview to help you comply with Section 7 of the Endangered Species Act (ESA) of 1973, as amended, during emergency events such as fire, tornado, hurricane, flooding, levee failure, or other catastrophe. During emergency events, the primary objective of responding agencies must be to protect human life and property, and this objective takes precedence over considerations for minimizing adverse effects to listed species under the ESA. The protection of listed species is initiated when it would not interfere with the emergency response to human life and property. The ESA process for handling emergencies is:

STEP 1 (Initiating Contact)

During any emergency response, the lead Federal agency will contact the Service as quickly as possible following the onset of the emergency. The Federal agency will provide the Service the emergency location, a description of the response action, and timelines.

STEP 2 (Service Recommendations)

The emergency response agency will proceed with all necessary actions to mitigate imminent threats to human life or property. At the same time, the Service will provide the agency, within 48 hours, a letter or email recommending protective measures for listed species.

STEP 3 (Service Evaluation)

The Service will continue to evaluate the emergency response's effect on listed species. If this evaluation indicates that the emergency response may result in take of listed species, the Service will advise the responding agency. The agency will not stop or delay its emergency response because of this notification.

STEP 4 (Emergency Over)

Once the emergency is under control, the action agency will identify any incidental take of a species that resulted from the emergency response action and initiate formal consultation.

STEP 5 (Consultation Completed)

The Service will prepare an after-the-fact biological opinion to determine if the response activity resulted in jeopardy to the affected species; address any incidental take that occurred during the emergency response, and document the final impacts to the listed species. This biological opinion may contain suggestions for after-the-fact remediation when jeopardy to or incidental take of listed species has occurred. With the finalization of the biological opinion, the action agency has completed its compliance with Section 7 of the ESA.