

# ESA, Core Areas, & Survey Update

U.S. Fish and Wildlife Service

Ecological Services

Utah Field Office



# Outline

- Section 4
  - List species
  - Recovery plans
- Section 9
  - Take prohibitions
- Section 7
  - Consultation



# Steps to Listing Species (Section 4)

- The USFWS receives a petition or,
- The USFWS identifies a species through internal studies and external coordination;
- A 90 day review is completed;
- If positive 90 day, a 12 month finding is completed;
- Decision can be warranted, not warranted, or warranted but precluded



# ESA Listing Factors (Section 4)

- A. Present or threatened destruction, modification, or curtailment of its habitat or range;
- B. Over-utilization for commercial, recreational, scientific, or educational purposes;
- C. Disease or predation;
- D. Inadequacy of existing regulatory mechanisms;  
and
- E. Other natural or manmade factors.



# ESA De-Listing Factors

- Have recovery goals in recovery plan been met?
- Review 5 listing factors
- Publish proposed rule to downlist or delist;
- Seek peer review and public input
- Publish final rule
- If warranted, remove from list and monitor for at least 5 years



# Section 9 of the Act

- Section 9(a)(2) - plants
  - Remove and reduce to possession any such species from areas under Federal jurisdiction;
  - Maliciously damage or destroy any such species on any such area; or
  - Remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any state or in the course of any violation of a state criminal trespass law.
  - Trade prohibitions against commercialization, and import and export, specifically interstate or foreign commerce.



# Section 7 of ESA

- 7(a)(1): Federal agencies **shall** utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of endangered and threatened species listed pursuant to the Act.
- 7(a)(2): Actions funded, authorized, or carried out by federal agencies do not jeopardize the continued existence of a listed species (consultation process).



# Section 7 Consultation

- Is a process between federal agencies
- Informal
- Formal



# Section 7 Consultation

- Informal
  - “No Effect”
  - “May Affect, Not Likely to Adversely Affect”
  - An effect exists even if only one individual or habitat segment may be affected
  - Typically a 30 day turn around or less



# Section 7 Consultation

- Formal
  - “May Affect, Likely to Adversely Affect”
  - An effect exists even if only one individual or habitat segment may be affected
  - Biological opinion analyzes affects at a species level
  - 135 days to complete a Biological Opinion upon receipt of a complete Biological Assessment



# Clarification of Terms

- Jeopardy/jeopardize the continued existence
  - would appreciably reduce the likelihood of the species survival and recovery
- Destroy or adversely modify
  - would appreciably reduce the value of critical habitat for the survival and recovery of the listed species



# Contents of a Biological Assessment

- Introduction
- Proposed action/Project description
- Species and habitat descriptions (baseline info)
- **Effects of the proposed action**
- Cumulative effects (different than NEPA)
- Conclusions
- Literature cited
- 



# Analyzing Effects

- How will the action potentially impact plants (exposure)?
  - Increased invasive species
  - Increased fragmentation
  - Increased dust
  - Impacts to pollinators
  - Habitat alteration
  - A thorough analysis of an action's effects on the species and critical habitat is an essential component of the consultation process.



# Analyzing Effects

Effects = Exposure + Response

- “Deconstructing” your project in this fashion is a good method to develop your analysis.
- Exposure – which organisms and habitats will be affected by the components of the proposed action?
- Response – what happens when the organisms and habitat are affected by the components of the proposed action?
- 



# Questions?

