

# ENDANGERED SPECIES AND SECTION 7 CONSULTATION

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**Tucson, AZ**



**Endangered Species Act**

**40th Anniversary**

**Protecting Imperiled Animals  
and Plants Since 1973**



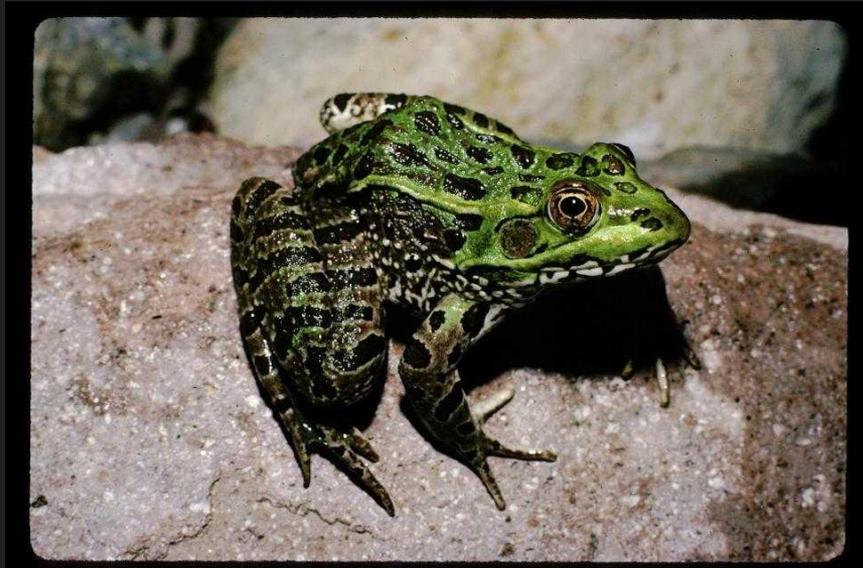
# ENDANGERED SPECIES:

*“...any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of the Act would present an overwhelming and overriding risk to man.”*



## THREATENED SPECIES:

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



## CANDIDATE SPECIES

*The Service has information to show that listing the species may be appropriate*



# LISTED SPECIES

jaguar

lesser-long nosed bat

ocelot

northern Mexican gartersnake  
1996

western yellow-billed cuckoo  
Huachuca springsnail

Chiricahua leopard frog

desert pupfish

Gila topminnow

Huachuca water umbel

loach minnow

Southwestern willow flycatcher

spikedace

Gila chub

Aplomado falcon

Mexican spotted owl

Arizona treefrog

# CRITICAL HABITAT

Jaguar

~~Lesser long nosed bat~~

ocelot

Northern Mexican gartersnake

Chiricahua leopard frog

Desert pupfish

~~Gila topminnow~~

Huachuca water umbel

Loach minnow

Southwestern willow flycatcher

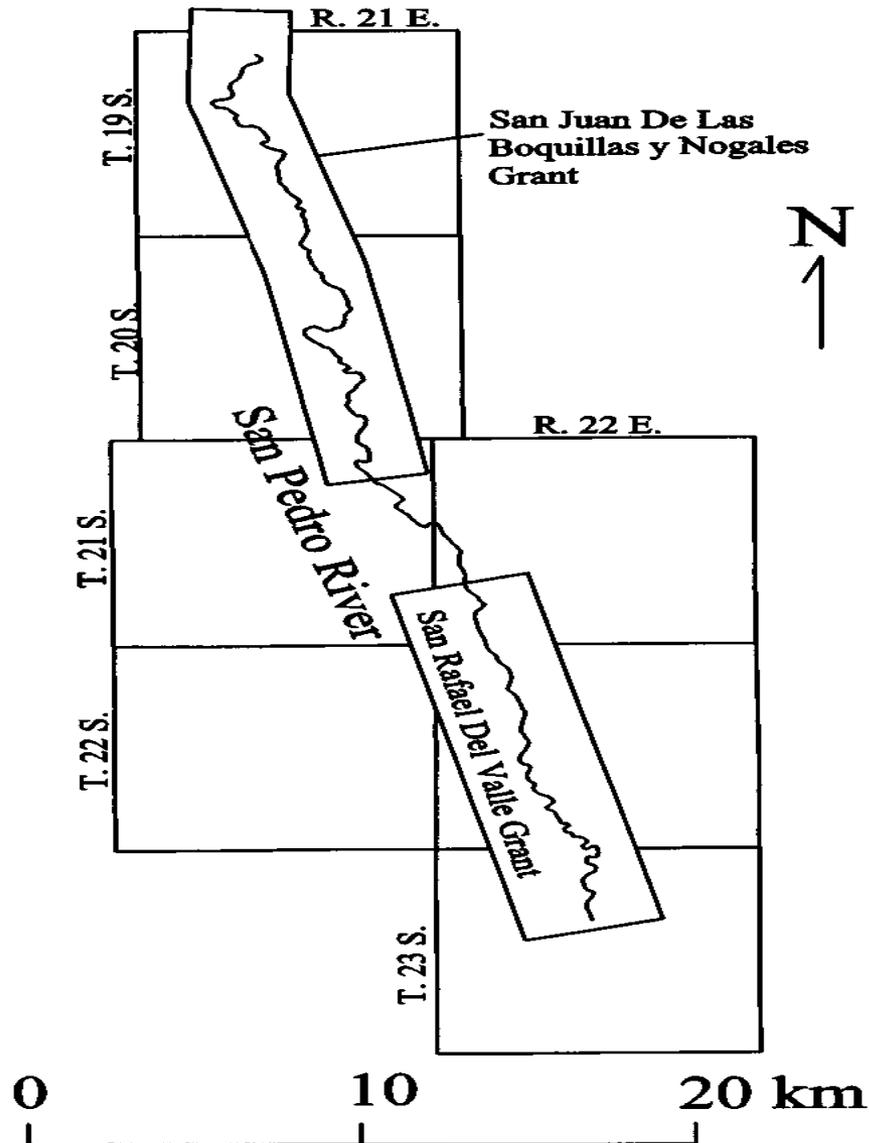
Spikedace

Gila chub

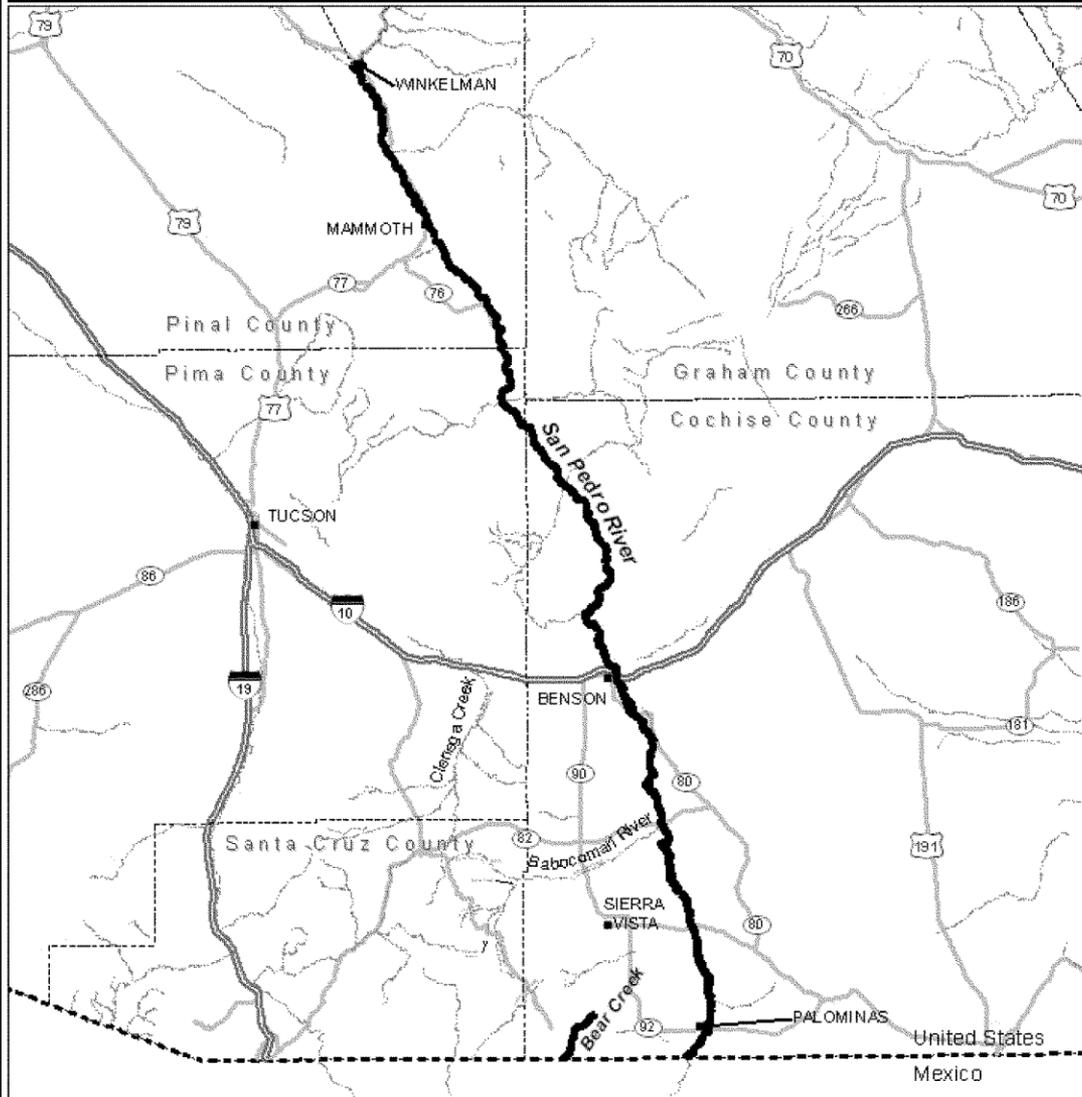
~~Aplomado falcon~~

Mexican spotted owl

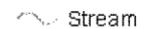
# Unit 7



# Northern Mexican Gartersnake Critical Habitat San Pedro River Subbasin Unit



**Area Enlarged**

-  Critical Habitat
-  County Boundary
-  International Boundary
-  Highway
-  Stream
-  Town

0 10 20 30 Miles

0 10 20 30 Km



# SECTION 7

## Interagency Cooperation

- FWS geographic lead
- Coordination early and often



# ESA and NEPA

NEPA – the forest



ESA – the tree\*



- **Section 7 consultation required if Federal Action may adversely affect listed species**
- **Assesses whether or not project will jeopardize species or adversely modify or destroy critical habitat**
- **Provides an exemption from section 9 prohibitions - incidental take permit**



- **Consultations with Forest Service, Bureau of Land Management, National Park Service, DOD Installations, Corps of Engineers, Federal Highway Administration, Bureau of Reclamation**
- **Consultations address fire management, recreation, livestock grazing, roads, military activities, housing developments, water management**
- **The FWS cannot make an agency consult**

## SEC. 7.

### (a) FEDERAL AGENCY ACTIONS AND CONSULTATIONS.-

(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is **not likely to jeopardize** the continued existence of any endangered species or threatened species or **result in the destruction or adverse modification** of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.

## **Formal Consultation**

**when a species may be adversely affected**  
**biological opinion**

## **Informal Consultation**

**a species is not likely to be affected**  
**concurrence/non-concurrence**

## **Conference**

**discretionary for proposed species**  
**conference report**

**Candidates – no requirement under the ESA**

# JEOPARDY



**An action that would be expected, directly, or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.**

# **ADVERSE MODIFICATION OF CRITICAL HABITAT**

**Direct or indirect alteration that appreciably diminishes the value of critical habitat for the survival and recovery of a species**



# **JEOPARDY VS. ADVERSE MODIFICATION:**

**Jeopardy: reproduction, numbers, or distribution of the species**

**Adverse Modification: biological and physical features of the critical habitat of the species**

- **Determine if there will be any anticipated incidental “take” of listed species individuals**
- **If So:**
  - **Enumerate the take by number of individuals or a surrogate measure**
  - **How it will occur - define**
  - **Determine reasonable and prudent measures to minimize take and the impacts from take**
- **There is no take for plants**

# RMP CONSULTATION

- **Plan level consultation**
  - **Covers programs for the area, not projects**
  - **Most land management plans done this way**
- **Plan level AND activity level**
  - **Covers programs**
  - **AND management actions**
  - **Las Cienegas RMP done this way**



# WHERE TO GET MORE INFORMATION

ME! – 520-670-6144 [Doug\\_Duncan@fws.gov](mailto:Doug_Duncan@fws.gov)

Our Arizona Office:

<http://www.fws.gov/southwest/es/arizona>

Our regional office: <http://www.fws.gov/southwest>

The Washington office: <http://www.fws.gov/>

Section 7 consultation handbook

Arizona Game & Fish Department:

<http://www.gf.state.az.us/>