



# **Introduction to the Endangered Species Act Section 7**

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**Section 7 of the Endangered Species Act  
applies only to...**

**FEDERAL AGENCIES**



# ESA-LISTED SPECIES (in Hawaii)

**Hawksbill turtle, E**



**Green turtle, T**



**Olive ridley turtle, T**



**N Pacific Loggerhead turtle, E**



**Leatherback turtle, E**

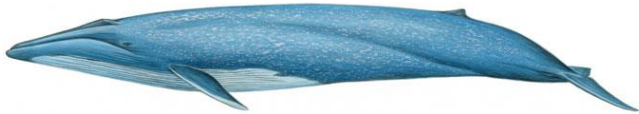




# ESA-LISTED SPECIES (in Hawaii)



**Hawaiian monk seal**



**Blue whale**



**Fin whale**



**Humpback whale**



**North Pacific Right whale**



**Sei whale**



**Sperm whale**

**All Endangered**



## ACTION AGENCIES CONSULT WITH...



- National Marine Fisheries Service (NMFS)
- U.S. Fish & Wildlife Service (USFWS)



## TWO KEY PARTS OF SECTION 7

7(a)1 = “...utilize authorities in furtherance of the purpose of the ESA...”

\* Proactive conservation efforts (MOUs, Conservation agreements, management plans)

7(a)2 = insure federal actions do not jeopardize the species or adversely modify critical habitat



## PROTECTIONS (section 7(a)2)

**Federal Agencies** must insure that actions which they carry out, fund or authorize...

1. do not jeopardize the continued existence of listed species

Species/Population Protections

2. do not destroy or adversely modify critical habitat

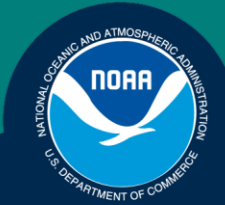
Habitat Protections



## **TYPES OF ACTIONS**

- Regulations
- Funding (e.g., grants)
- Issuance of Permits (e.g., ACOE, NOAA)
- Fisheries Ecosystem Plans and associated regulations (PIRO Sustainable Fisheries Division)
- Projects carried out by NOAA (e.g., Acoustic Doppler Current Profilers)
- Military activities (e.g., training, base relocations)



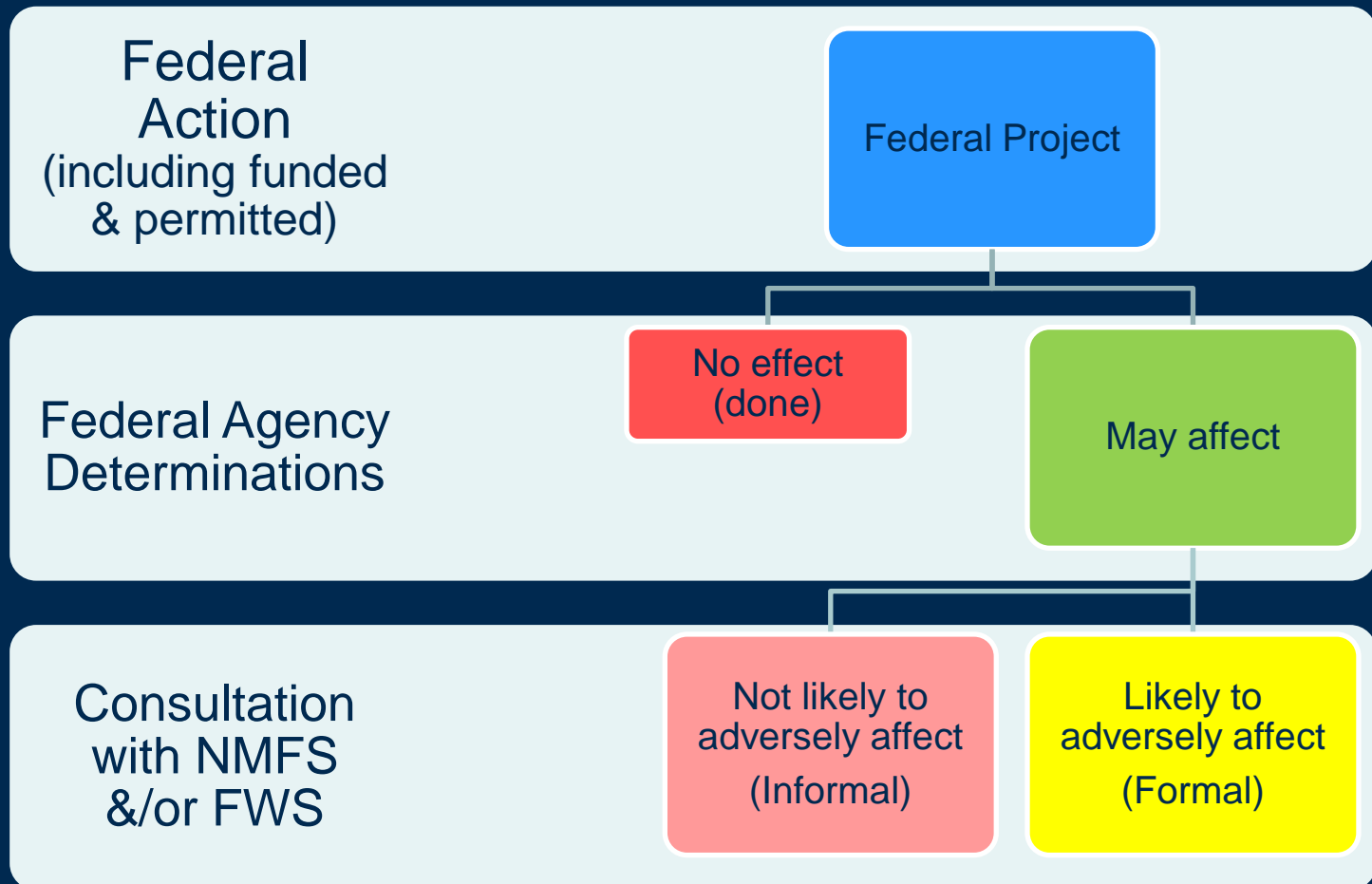


## WHEN TO CONSULT

- Action agencies need to determine if ESA consultation is required. If 'no effect' to listed species or critical habitat is expected, then consultation is not required.
- Consultation is required when an action “may affect” an ESA species or designated critical habitat.



## CONSULTATION PROCESS





## INFORMAL CONSULTATIONS

If the Federal agency, after discussions with NMFS, determines that the proposed action is not likely to affect any listed species in the project area, and if NMFS concurs, the informal consultation is completed with a letter of concurrence.



## FORMAL CONSULTATIONS

When a Federal agency determines, through a biological assessment or other review, that its action is **likely to adversely affect a listed species**, the agency submits to the Service a request for formal consultation.

Formal consultation results in a biological opinion.



Oahu



- Areas Not Included in Proposed Critical Habitat
- Areas Ineligible for Critical Habitat - INRMP Marine Corps Base Hawaii
- Proposed Terrestrial Critical Habitat
- Proposed Marine Critical Habitat (500 m depth contour)
- Area Proposed for Exclusion - NDSA & Puuloa Underwater Training Range





## **KEYS TO A CONSULTATION**

- Work closely and cooperatively
- Work to minimize potential impacts to species and habitats
- Seek and use best available information when conducting analyses and reaching conclusions
- Recommend reasonable and prudent measures to avoid impacts (when necessary)

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## **Pacific Islands Regional Office Section 7 Webpage**

[http://www.fpir.noaa.gov/PRD/prd\\_esa\\_section\\_7.html](http://www.fpir.noaa.gov/PRD/prd_esa_section_7.html)



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