

US Fish and Wildlife Service Updates

Endangered Species Act

Presented to: NDAA

By: Patricia L. Dressler,

Environmental Protection Specialist

Date: October 2012



Federal Aviation
Administration



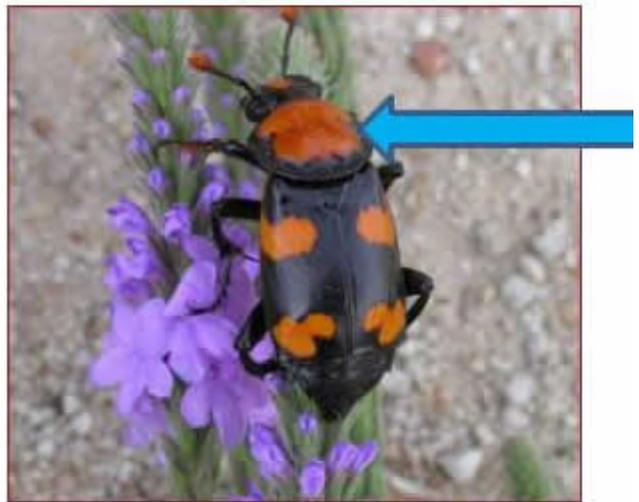
Endangered Species Act (ESA)

Remember the Prohibition?



ESA Section 9 Prohibitions

- **Prohibits the "take" of any fish or wildlife species listed under the ESA as endangered; under Federal regulation, take of fish or wildlife species listed as threatened is also prohibited unless otherwise specifically authorized by regulation.**
- **Take as defined by the ESA means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”**



American Burying Beetle



Endangered Species Act and Federal Agency Responsibilities:

Section 7(a)(2) required the agencies to ensure activities are not likely to jeopardize the continued existence of listed species or adversely modify designated critical habitats

HOW?



How? Section 7 Consultation

- A description of the action being considered,
- A description of the specific area(s) that may be affected by the action and include appropriate topographic/equivalent maps,
- A description of any listed species or critical habitat that may be affected by the action,
- A description of the manner in which the action may affect each listed species or critical habitat,
- Analysis of direct, indirect, and cumulative effects,
- Conservation measures to avoid or reduce impacts to listed species or critical habitat,
- Relevant reports or other analysis prepared on the project, and
- A **determination** of “no effect” or “may affect, but is not likely to adversely affect” for any listed species.



Section 7 Consultation

- **INFORMAL** Section 7 Consultation

ESA Determinations:

- No Effect

- May Affect, Not Likely to Adversely Affect

- **FORMAL** Section 7 Consultation

ESA Determination

- May Affect, Likely to Adversely Affect



Section 7 Consultation

- WHO?
 - Federal Agency
 - FAA AIP Grant to Sponsor/Consultant
 - FAA Designation of Non-Federal Representative
- Informal Section 7 Consultation ONLY**



SPONSOR RESPONSIBILITIES

In order to be exempt from the prohibitions of Section 9 of the Endangered Species Act, the Sponsor must comply with the FONSI which implement reasonable and prudent measures and outline required reporting and/or monitoring requirements and/or conservation measures.



SPONSOR RESPONSIBILITIES

- **Understand ESA**
- **Understand Prohibitions**
- **Understand any/all FAA Findings and Finding of No Significant Impact**



BINDER INFORMATION:

**FAA Designation of Non-Federal Rep Letters:
North Dakota & South Dakota**

USFWS Consultations with Federal Agencies

USFWS Endangered Species Basics



QUESTIONS?

