

Slide 10: Major terms of the ESA

The terms here have special legal meanings under the Endangered Species Act. We are going to focus only on the major ones. It's important that you know them. Follow along in your copy of the Act as we review them. The terms are listed alphabetically in the definitions of the ESA, but we will address them in a more functional order.

Slide 11: Species

In Section 3(16), a species is defined to include not only species but also subspecies of fish, wildlife, or plants, as well as "any distinct population segments of any species of vertebrate fish or wildlife."

By defining species this way, Congress recognized it's not just acceptable to conserve a single, representative population of a species. Instead, it said, species should be conserved across the breadth of their range and diversity.

Listing a Distinct Population Segment is allowed for vertebrates, but not for invertebrates, such as insects or mollusks, nor for plants. You'll learn more about this significant difference later in this course, in modules on interagency consultations and prohibitions under the Act.

Distinct Population Segments are not defined further, beyond a statement that they interbreed when mature. In 1994, our agencies provided further guidance on what constitutes a Distinct Population Segment.

The National Marine Fisheries Service also has a concept similar to Distinct Populations, called Evolutionarily Significant Units. It is used for salmon and trout conservation in the Pacific Northwest.

Slide 12: Endangered

The terms "endangered" and "threatened" are used throughout the Endangered Species Act.

"Endangered" means any species in danger of extinction throughout all or a significant portion of its range. It implies the extinction of a species is considered a realistic possibility without intervention.

Slide 13: Threatened

"Threatened" means any species *likely* to become endangered within the foreseeable future throughout all or a significant portion of its range.

While not as extreme as endangered status, threatened species face challenges which, if left unaddressed could likely lead them to become endangered.

It's an interesting aspect of the Endangered Species act that a species must have the potential for extinction before protections of the law can be applied. Species might be easier to recover if they could be listed and conserved before they reach such a vulnerable state. The primary provisions for

conservation of unlisted species in decline are the mostly voluntary provisions of the candidate conservation program.

Slide 14: Endangered and Threatened Species – Listed Species

While not specifically defined in the ESA, the term ‘listed species’ is commonly used by practitioners of the ESA. Collectively, endangered and threatened species are referred to as “listed” species.

That’s because the rulemaking process in Section 4 results in a list of these species that is published in the Code of Federal Regulations. We’ll discuss listing in greater detail later in this course.

Slide 15: Conserve, Conserving, and Conservation

The terms “conserve,” “conserving,” and “conservation” are fully interchangeable because the Act considers them all part of the necessary methods and procedures that restore endangered and threatened species to the point that other provisions of the Act are no longer necessary. That is, returning a species to a state where it is no longer endangered or threatened, and therefore no longer in need of listing under the Endangered Species Act.

Slide 16: Conservation vs. Recovery

You’ve probably heard the term “recovery” more frequently than “conservation” regarding endangered and threatened species.

The former leads to the latter. Recovery, such as preparation and implementation of recovery plans and other conservation provisions of the ESA, is the process by which we achieve conservation of a species under the Endangered Species Act. We’ll discuss recovery in much greater depth in Module 3 of this training.

Slide 17: Take

“Take” is a term that’s frequently misunderstood. It encompasses a lot of human activities. It means to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect” a listed species ... “or to attempt to engage in any such conduct.” Take is prohibited in Section 9 of the Act; but exemptions can be permitted under Sections 7 or 10.

Management of take is an important tool for conservation and recovery of listed species. We’ll be talking about it a lot in various modules of this training.

The previous slides identify two primary ways the Act conserves species. The management of take measures are more reactive. They are intended to stop further decline and to conserve recovery that has been gained in order to facilitate recovery and conservation. Recovery planning and implementation are more proactive measures. They focus on actively improving the status of a species and its habitat. They are complementary ... and both are necessary to achieve long-lasting, sustainable conservation of a species. But all the other provisions in the Act also contribute to the conservation of species as well.

Slide 18: Critical Habitat

Finally – and this is a big one – the term critical habitat is often misunderstood, but it has a very specific meaning under the Endangered Species Act. It means habitat that has been designated through a Federal rulemaking process; when final, it appears in the Code of Federal Regulations. It harkens back to the first of the three purposes of this law – to conserve ecosystems upon which endangered and threatened species depend. Again, we will be discussing this in more detail later in the course.

Take a moment to read this definition carefully.

From the level of detail, you'll see that Congress perceived a distinction between the habitat a species generally uses and those essential areas specifically designed as critical habitat through rulemaking under Section 4.

So not all habitat where a species occurs is "critical habitat" under the Act. Yet habitat outside those areas may still be very important for the conservation of a species. We'll talk a lot more about critical habitat later in your training.

Slide 19: It's Exercise Time

So now we've got a basic understanding of Sections 2 and 3 of the Endangered Species Act. Let's test our knowledge.

Exercise 1 begins on the next page. You'll be quizzed to see how well you've mastered the fundamental principles and definitions of the ESA. Then you'll proceed to Exercises 2 and 3. There, you'll be given scenarios in which you'll be asked to identify potential values living resources provide to the Nation, and how the Endangered Species Act and Congressional policy apply under Section 2 of the Act.

After that, I'll have some concluding remarks.