

ESA Overview Module 4 – Section 7, Interagency Consultation Text

Section 7(a)(1) Affirmative Conservation Mandate (slides 8 – 10)

Section 7(a)(1) Affirmative Conservation Mandate

So what does Section 7 say? Well, in Section 7(a)(1), Congress directed that:

“... *all* Federal agencies *shall*, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant of section 4 of this Act.”

This is sometimes called the Affirmative Conservation Mandate

Federal agencies have discretion as to how they carry out this mandate, but the conservation message is clear. Federal agencies should develop conservation programs for listed species. Congress did recognize that there could be limitations on what the agency could do. Thus agency conservation programs should be actions that the agency is able to support, regulate and enforce.

For example, BLM might alter the season of use on certain livestock grazing allotments to avoid flowering and seed set periods of a listed plant.

Or livestock might be excluded from a riparian area to promote vegetation growth that provides nesting habitat for a listed bird species.

Another example might be that a regulatory agency alters the timing and amount of water released from a dam in order to rebuild sandbars to create nesting habitat for listed birds or improve spawning habitat for listed fish.

Now that we've discussed WHAT agencies are supposed to do, let's now look at HOW Section 7 of the Endangered Species Act says we should conserve species and habitat using the Consultation Process under 7(a)(2).