

ESA Overview Module 4 – Section 7, Interagency Cooperation Text

Introduction (Slides 1-7)

Welcome to Module 4 Section 7 of Endangered Species Act entitled Interagency Cooperation. In the previous modules you learned definitions used in the Endangered Species Act, the petition process, the listing process, critical habitat designation, and recovery. Now we are coming to the section of the Endangered Species Act where many of you will spend a great deal of time.

We commonly call it “consultation”, but the title gives a different emphasis. In fact, the subtitle of Section 7 is Federal Agency Actions and Consultations. Hi I’m Debra Bills, Assistant Field Supervisor in the Arizona Fish and Wildlife Service office. And I, along with some other experts on this subject, Amy and Rich will be your guides as we become more familiar with the section 7 process. Amy and Rich, would you like to introduce yourselves? Hi, I’m Amy Kuritsubo, a Wildlife Biologist with the Bureau of Land Management in Bakersfield, California. Hi, I’m Rich Szlemp, and I’m a Fish and Wildlife Biologist in the Portland, Oregon State Office. Great,, thank you.

OK. In this lesson we will cover how Federal Agencies fulfill their obligations under section 7 of the Endangered Species Act. Once you have completed the module, you will be asked to complete some exercises and scenarios that will determine how well you have absorbed the information presented. The objectives for completion of this module are . . .

to determine whether a proposed action requires consultation and explain why; and

given a proposed action that requires consultation, explain the steps of the consultation process, including what information should be included in the consultation package: from the action agency perspective and from the Services perspective.

Because section 7 is a rather complex subject, we won’t cover it all. What we will do is cover the major topics of section 7 and the regulations that direct the Services and their coordination with Federal action agencies. The Module Route is our road map to how we will approach the module. We will present the information in the manner in which a consultation is approached.

We will discuss each of the major components of the Section 7 process. These are: 7(a)(1): the Affirmative Conservation Mandate which directs agencies to conserve species; 7(a)(2) which requires Federal agencies to consult with the Services to ensure their actions do not jeopardize species or adversely modify or destroy critical habitat, and Sections 7(b) and 7(c) which address the consultation process.

7(d) identifies what agencies can and cannot do as far as initiating projects until the consultation process is completed. Next we’ll talk about the Biological Opinion – what the action agencies receive from the Services. We’ll cover the Services’ process, timeframes, Incidental Take - what it is and what it does. Finally we will talk about Special Cases focusing our discussion on Emergency Consultation and lastly we will cover conferencing, which is found in Section 7(a)(4). This is the section that deals with **proposed** species or **proposed critical habitat**.

However, to really understand the Endangered Species Act, one must read the law in concert with the regulations found in 50 CFR Part 402. We will provide links to the regulations through the module so you can read them on your own.

Section 7 of the Endangered Species Act contains some of the Act’s most significant provisions. Section 7 imposes requirements (or places responsibilities) on Federal agencies regarding *listed species* and *critical habitat*.

It establishes an expectation for Interagency Cooperation to implement the public policy established by the Endangered Species Act which is to conserve listed species.

Section 7 applies to ALL Federal agencies, and applies EXCLUSIVELY to Federal agencies. However, many Federal actions are a response to a non-Federal party, such as, the issuance of a permit, license, or the granting of funds for non-Federal land projects.

Under Section 7, Federal agencies are directed to prevent species extinctions in two ways:

7(a)(1) directs Federal agencies to use all their authorities to conserve listed species and their habitats. This is often called the Affirmative Conservation Mandate.

7(a)(2) directs Federal agencies to ensure that their activities do not jeopardize listed species or adversely modify designated critical habitat.

In this lesson we will cover how Federal agencies fulfill their obligations under section 7 through consultation with either the Fish and Wildlife Service or the National Marine Fisheries Service, or sometimes both.

Let's start by looking at what Section 7(a)(1) says. "Amy, will you lead us through the next section?"
"Sure, Debra."