

ESA Overview Module 8 – Sections 6, 8, 8A and 17 Minor Provisions

Minor Provisions - Section 6, 8, 8A, and 17 (slides 8 -17)

Minor Provisions

Section 6 of the Act recognizes the key role that states play in conserving native wildlife and plants. It emphasizes the importance of Federal-state partnerships. Because states are our most important partners in conservation of listed species, Section 6 spells out the ways that the Fish and Wildlife Service provides financial assistance to state conservation programs. Section 6 also authorizes cooperative agreements and grants-in-aid to states that establish and maintain active and adequate conservation programs for endangered species.

Through cooperative agreements, states receive Federal funding for a variety of conservation actions that contribute toward recovery of listed species. Funding is also available for conservation of candidate species.

Section 6 also provides funds to states and territories for species and habitat conservation on non-Federal lands through four grant programs.

Conservation Grants finance species and habitat conservation projects for listed, candidate, and at-risk species. This includes habitat restoration, species status surveys, captive propagation and reintroduction programs, nesting surveys, research, development of management plans, and public education and outreach.

Recovery Land Acquisition Grants help acquire habitat under draft and approved recovery plans. Since habitat loss is the main reason why most species are listed, securing long-term protection for habitat is often an essential element of a comprehensive recovery effort for listed species. It may also benefit candidate species. Land acquisition is expensive – often out-of-reach for most state and Federal agencies. These Recovery Land Acquisition Grant funds are matched by states and non-Federal organizations from approved sellers. We use these grants for most land acquisition purposes, except in conjunction with approved habitat conservation plans.

For those, we use Habitat Conservation Planning Assistance Grants. These funds help states, in coordination with private landowners, conduct baseline surveys and inventories, prepare planning documents, and conduct outreach. These grants also assist local governments in incorporating species' conservation into their planning process. They provide a streamlined approval process that aids local economic development.

Finally, Habitat Conservation Plan Land Acquisition Grants help reduce conflicts between listed species and various land uses. They're a relatively new feature under the Endangered Species Act that provides funds for purchase of land for species and ecosystems. They don't fund mitigation required of an HCP permittee; they support conservation actions by state and local governments that complement mitigation.

The Section 6 program is similar to the Tribal Wildlife Grants program which was created by Congress in 2002 for federally-recognized Indian tribes. However, Tribal Wildlife Grants were issued separately and were not subject to the requirements of the formula-based State Wildlife Grant program.

Section 8 International Cooperation

Section 8 of the Endangered Species Act permits the United States to cooperate internationally in conserving threatened and endangered species. Foreign species may be listed under Section 4. Section 8 allows us to assist foreign governments to conserve and recover listed species through funding for training, research, and law enforcement.

Section 8a Convention Implementation

Section 8A is where we participate in two key international wildlife conservation treaties – the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere. The Secretary of the Interior is the management and scientific authority for implementing CITES. Representing the United States under the Western Convention, the Secretary of the Interior cooperates with the Secretary of State and other Cabinet secretaries.

Section 17 Marine Mammal Protection Act

Many species, such as sea otters, whales, and manatees, are protected by both the Endangered Species Act and the Marine Mammal Protection Act. This latter act is often more restrictive than the Endangered Species Act; its provisions can outweigh endangered species protections. Section 17 of the Endangered Species Act acknowledges that the Endangered Species Act will not take precedence over the Marine Mammal Protection Act.