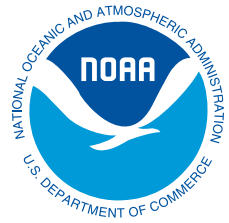


For more information regarding critical habitat designations for species regulated by the NMFS please visit our Office of Protected Resources Website: <http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>.

If you would like to learn more about our federal process for protecting species please visit our Interagency Consultation (ESA Section 7) website: <http://www.nmfs.noaa.gov/pr/consultation/>



Every animal and plant species on earth needs a "habitat" to live.



Critical Habitat Frequently Asked Questions

A *habitat* includes whatever elements are necessary for species' survival, and may include basic elements like food, and water. When a species' population drops to such low numbers that it is proposed for listing under the Endangered Species Act (ESA), we must consider whether there are areas of habitat that may be essential to the conservation of the species. Conservation under the ESA includes not only survival but also the recovery of the species. Such areas may be proposed for designation as critical habitat. The following Frequently Asked Questions (FAQs) go into further detail about critical habitat and its designation process.

What is critical habitat?
Critical habitat is a term defined in the ESA, and refers to an area that contains habitat features that are essential (referred to from here forward as "essential features") for the survival and recovery of a species that is listed as "threatened" or "endangered" under the ESA, and which may require special management considerations or protections.

Under the ESA, critical habitat may include areas occupied by the species or areas that are currently unoccupied, but that are determined to be essential for the survival and recovery of the species.





What are “essential features”?

Essential features are the specific parts of an ESA listed species critical habitat. These essential features may include, but are not limited, to:



- a) Space for individual and population growth and for normal behavior;
- b) Food, water, air, light, minerals, and other nutritional or physiological requirements;
- c) Cover or shelter;
- d) Sites for breeding, reproduction, or rearing (or development) of offspring; and
- e) Habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distribution of a species.

How is critical habitat determined?

Critical habitat designations are guided by principles and conditions set forth in the ESA, and U.S. Fish & Wildlife Service and NOAA Fisheries joint regulations (50 CFR 424.12(b)). Below is a summary of the determination process.

- 1 NOAA Fisheries takes into consideration the biological needs of the species by identifying the essential features of critical habitat relevant to the species and the areas that would incorporate those essential features that may require special management or protection. These areas must meet the definition of critical habitat and be eligible for designation as specified under the ESA.
- 2 Once these areas are identified, the economic impacts, national security impacts and other relevant impacts of the designation are considered. NOAA Fisheries may exclude any area from critical habitat if the benefits of the exclusion outweigh the benefits of designation, as long as the exclusion would not result in the extinction of the species.
- 3 Finally, the critical habitat designation is made available for public comment at the proposed rule stage and NOAA Fisheries takes into consideration any concerns and information from the public before releasing a final designation.

Who may be affected by a critical habitat designation?

FEDERAL AGENCIES

whose actions and/or projects lie within the designated area AND have the potential to destroy or adversely modify the listed species’ critical habitat.

NON-FEDERAL entities

that have projects involving federal funding, or authorization (permitting or licensing) within the designated area AND have the potential to destroy or adversely modify the listed species’ critical habitat.



How does critical habitat assist in the federal process for protecting species?

Under the ESA, Federal agencies must take precautions to insure that activities that they fund, authorize (permit) or carry out do not destroy or adversely modify identified critical habitat. The information provided in a critical habitat designation allows Federal agencies to better plan activities in such a way that will avoid unintentional harm to the species’ habitat.

Do Federal agencies need to take precautions on activities outside of critical habitat areas?

Yes, even when located outside of a critical habitat area, Federal agencies are still obligated to insure that actions they fund, authorize, or carry out are not likely to jeopardize the continued existence of a listed species.

Does a critical habitat designation prevent activities or development within its boundaries?

No. We work with the Federal agency and, where appropriate, other entities to determine the best way for the project to proceed without adversely affecting the critical habitat. Most projects are likely to proceed, but special precautions or modifications may be necessary to protect the habitat or the essential features.

Can private development still occur in an area that has been designated as critical habitat?

Yes. Private development that does not require Federal funding or permitting is not subject to the provisions of section 7 of the ESA. However, private developers may choose to use the information available from a critical habitat designation to plan development that promotes the conservation of the Hawaiian monk seal by protecting the essential features in that area.

Is critical habitat similar to a Marine Protected Area, Marine Life Conservation District, Shoreline Fisheries Management Area, sanctuary, reserve, refuge, park, or wilderness area?

No. Critical habitat designations are a management tool that is specific to actions that are Federally funded, authorized or carried out. Critical habitat does not restrict public access.

