



**UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
ENDANGERED SPECIES PROGRAM**

An Introduction to the Endangered Species Act of 1973

Module 8 of 11 – Section 7 Consultation

Time: (2:38)

Slide 1 (Music Plays)

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Section 7 of the Endangered Species Act requires Federal agencies to use their authorities to carry out conservation programs to benefit endangered and threatened species.

There is also an explicit requirement for Federal agencies to ensure, in consultation with the Fish and Wildlife Service or the National Marine Fisheries Service, that any action they authorize, fund, or carry out will not be likely to jeopardize the continued existence of a listed species, or destroy or adversely modify designated critical habitat.

As a result, Federal agencies have a unique opportunity and obligation to assist recovery implementation by addressing threats that result from their programs and actions.

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Under Section 7, consultations can be either informal or formal.

Informal consultation is a process through which Federal agencies can quickly evaluate potential effects, if any, on listed species and their habitats.

Informal consultation can also be used to help determine if there is a need to enter into the more extensive formal Section 7 consultation process.

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When a Federal action is likely to adversely affect a listed species or its designated critical habitat, the Federal agency involved initiates formal consultation with the Fish and Wildlife Service or the National Marine Fisheries Service.

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Formal consultation concludes with the appropriate Service issuing a biological opinion.

This document officially determines whether or not the proposed action is likely to jeopardize the continued existence of a listed species, or adversely modify designated critical habitat.

The biological opinion will include an incidental take statement, if appropriate, and provide reasonable and prudent measures that must be implemented to minimize the impacts of any anticipated take of the species.

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If a jeopardy, or adverse modification opinion is rendered, which means the project would appreciably reduce the likelihood of species' survival and recovery, or result in destruction or adverse modification of critical habitat, it will include reasonable and prudent alternatives.

These alternatives are designed to allow the project to proceed in a manner that will not jeopardize the continued existence of the listed species, or adversely modify designated critical habitat.

Slide 7

In the extensive history of informal and formal consultations, cumulatively numbering in the hundreds of thousands, only a handful of projects have been halted as a result of potential impacts to listed species.

Even with projects where adverse impacts are expected, the Services work with the consulting agency to develop alternative ways to undertake the project.