



Consultation Under the Endangered Species Act

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August 5, 2008**

- Each Federal agency **shall**, in consultation with and with the assistance of the Secretary, **insure** that any action authorized, funded, or carried out by such agency is **not likely to jeopardize the continued existence of** any endangered species or threatened species or result in the **destruction or adverse modification** of designated critical habitat
- In fulfilling the requirements of this paragraph **each agency** shall use the best scientific and commercial data available

“Jeopardize the continued existence of”

“to engage in an action that reasonably would be expected, directly or indirectly, to **reduce appreciably** the likelihood of **both the survival and recovery** of a listed species in the wild by reducing the **reproduction, numbers, or distribution** of that species” (50 CFR 402.02).

“Destruction or Adverse Modification”

“direct or indirect alteration that **appreciably reduces the conservation value** of critical habitat. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical” (ESA)



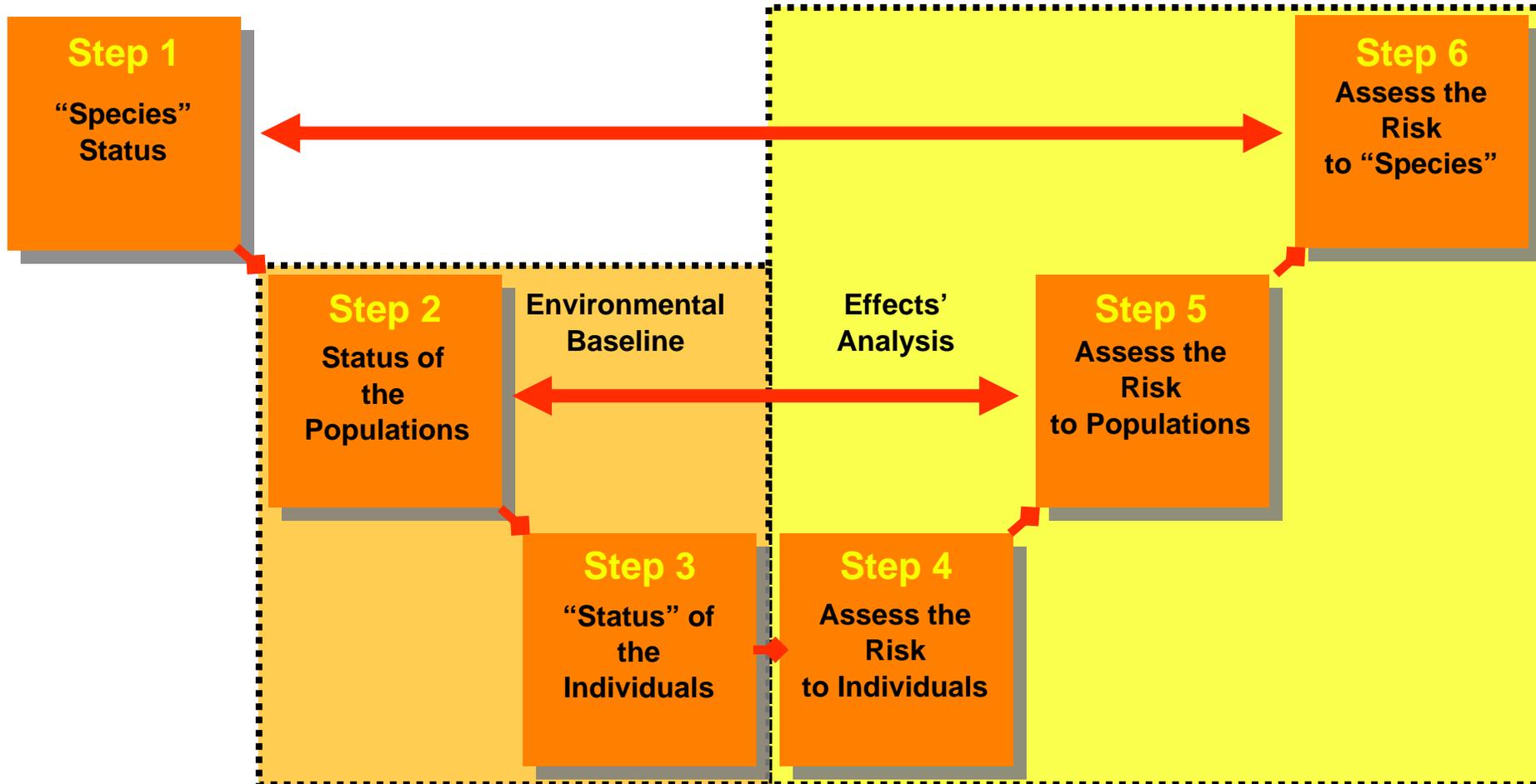
Our Objectives in Section 7 Consultation

- To help Federal agencies comply with section 7
- To produce consultations that are:
 - Objective
 - Evidence-based
 - Transparent
 - Replicable
- To produce a consultation document that complies with:
 - The Endangered Species Act
 - The Administrative Procedures Act
 - The Data Quality Act

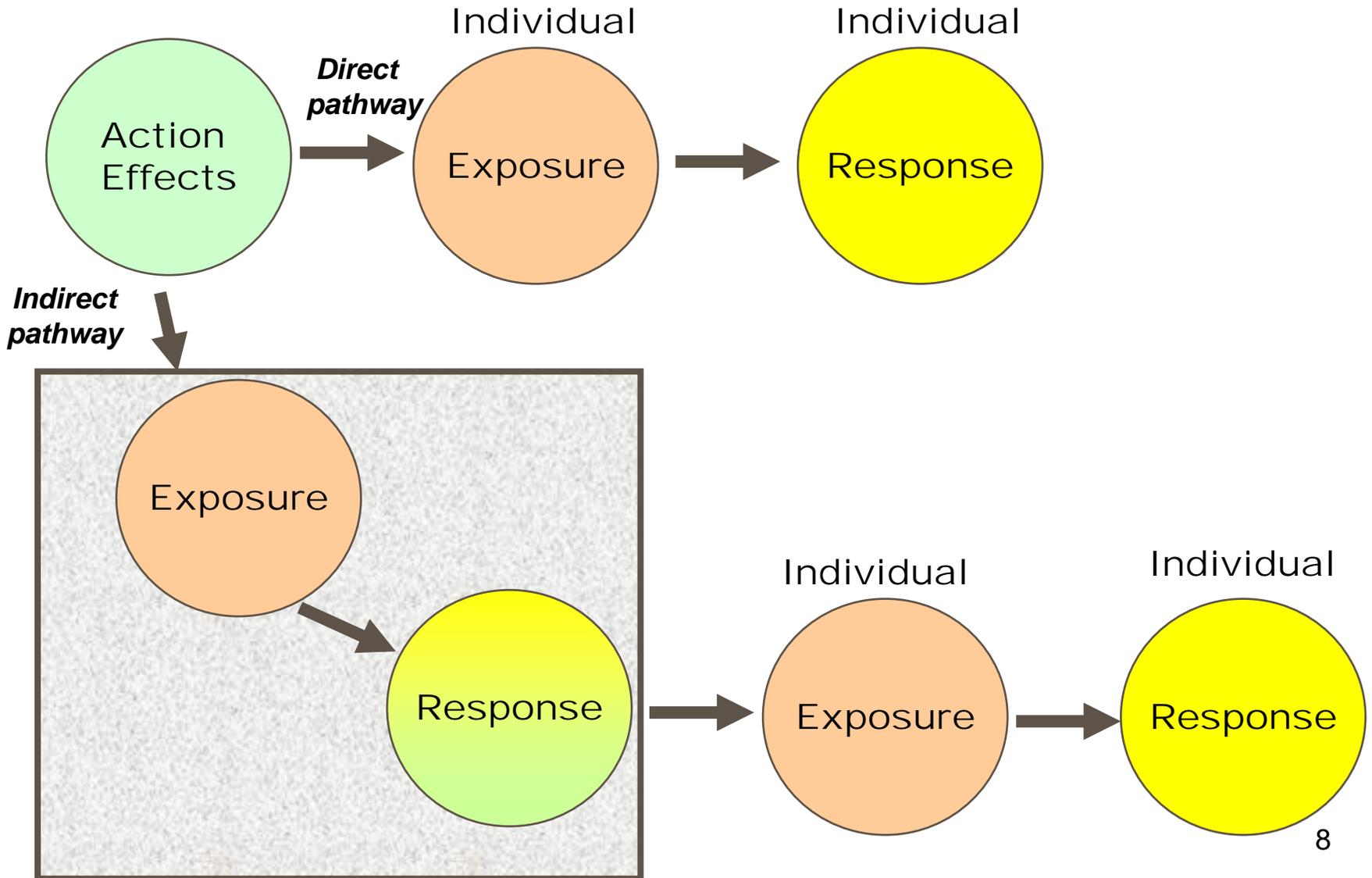
Requirements to Initiate Formal Consultation [50 CFR 402.14(c)]

1. A description of the action
2. A description of the action area
3. A description of any listed species or critical habitat that may be affected by the action
4. A description of the effects of the action
5. Relevant reports
6. Any other relevant available information

Conceptual Model for Jeopardy Analyses



Basic Analytical Model



Outline of the Argument

1. Since the Proposed Action is likely to produce stressors and subsidies;
2. and those stressors/subsidies are likely to be distributed over this area in time;
3. and listed resources are likely to be **exposed** to those stressors/subsidies at this intensity for this duration of time in that area;
4. and the listed **individuals** in the Action Area are likely to **respond** to that exposure in this way (given antecedent condition);

Outline of the Argument (cont'd)

5. and the **individuals** in the Action Area are likely to experience changes in **fitness** in response to that exposure;
6. and the **populations** those individuals represent are likely to experience changes in **viability** as result of the changes in the fitness of those individuals;
7. and the **species** those populations comprise are likely to experience changes in **viability** as result of the changes in the viability of those populations;

Therefore: The Service concludes that the Action is/is not likely to....

To bridge gaps in knowledge, or uncertainties...

...clearly state assumptions, including:

- Reasoning
- Available evidence (including available theory, inference from pattern, and appropriate surrogates)
- Addressing counter-evidence or rebuttals