NOAA FISHERIES
Greater Atlantic Regional Fisheries Office

# Endangered Species Act Section 7 Emergency Consultations

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# ESA Section 7 consultation

Section 7 of the ESA requires Federal agencies to:

- Use their authorities to further the purposes of the ESA by carrying out conservation programs to benefit endangered and threatened species – Section 7(a)(1)
- Ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat – Section 7(a)(2)
- If a Federal agency action "may affect" a listed species or critical habitat, the agency must initiate section 7 consultation with NMFS or USFWS

# ESA-listed Species









## Large Whales

- Fin
- North Atlantic right
- Sei
- Sperm

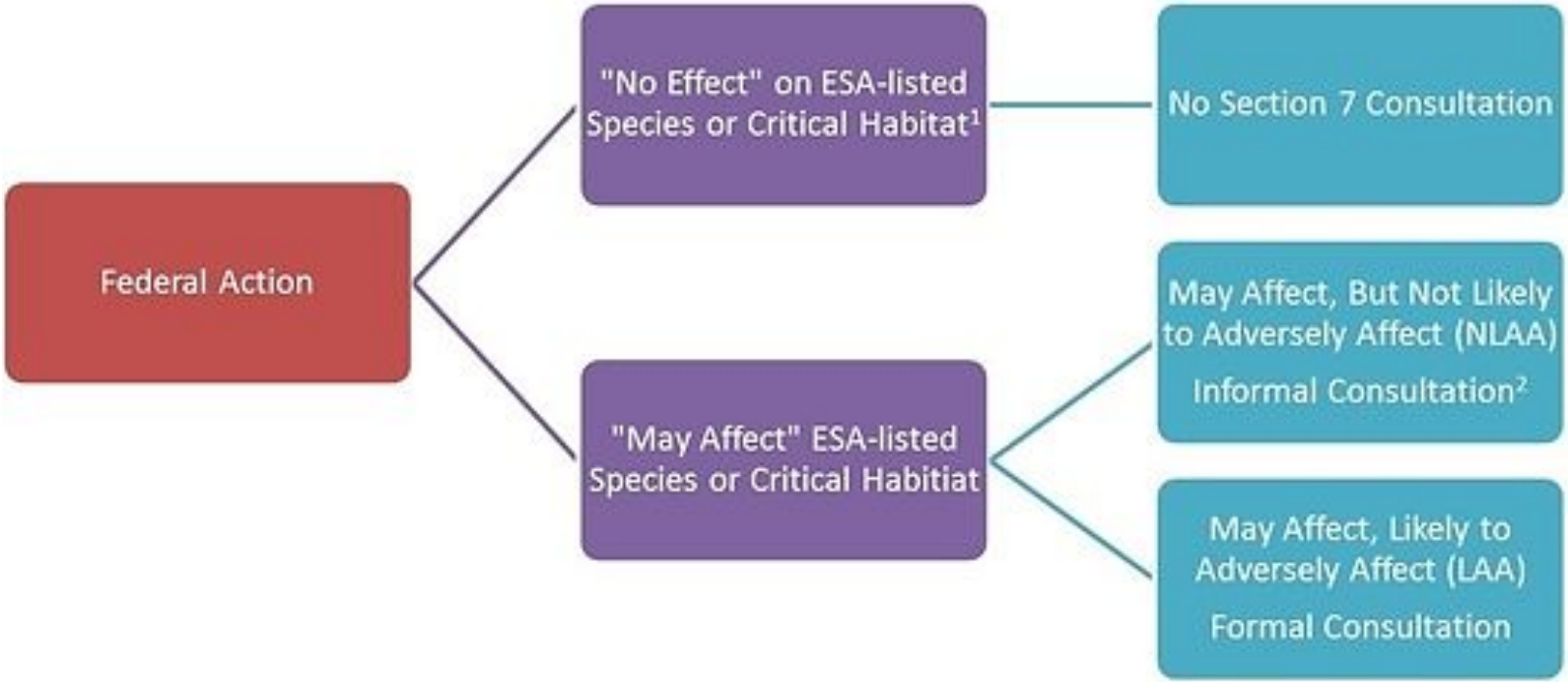
## Sea Turtles

- Green
- Kemp's ridley
- Leatherback
- Loggerhead

## Fish

- Atlantic salmon
- Atlantic/shortnose sturgeon
- Giant manta ray

# Non-emergency consultations



# Emergency Consultations

- The ESA recognizes the need to respond immediately to emergency situations, particularly oil spills and subsequent use of oil spill response techniques (i.e., in situ burning, dispersants, etc.)

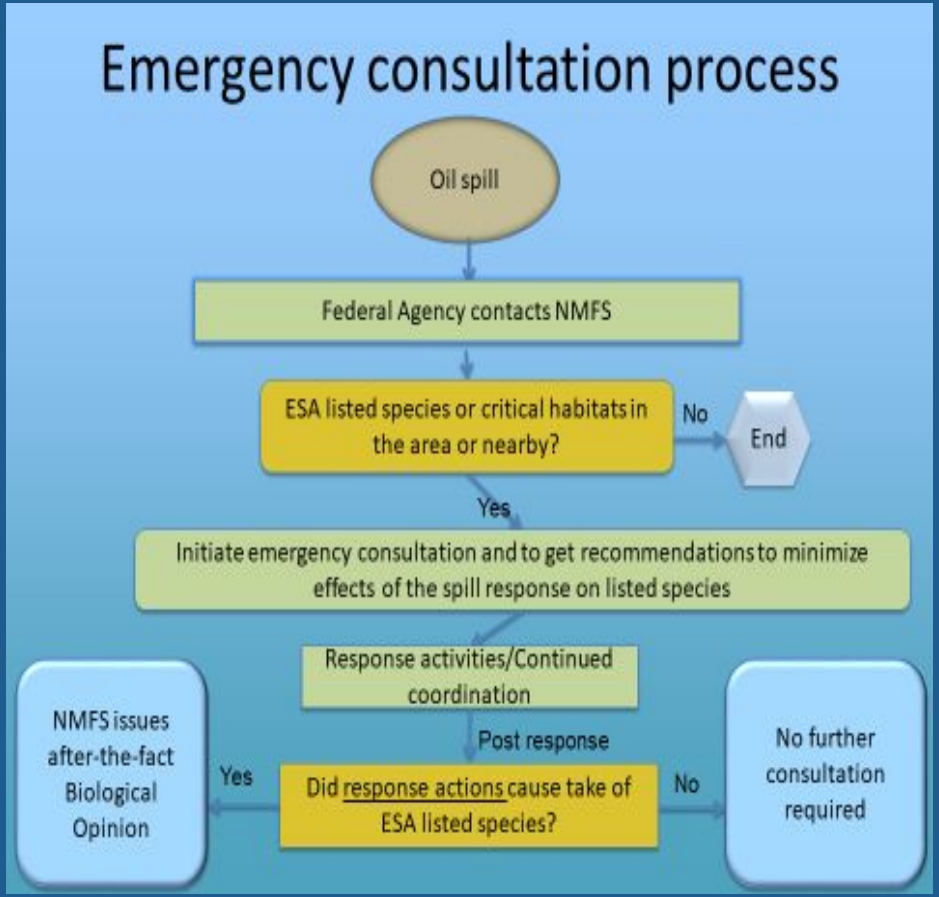
- Expedited process so Federal agencies can complete their critical missions in a timely manner while still providing the protections afforded to listed species and critical habitat under the ESA.

- An emergency is a situation involving an act of God, disasters, casualties, national defense or security emergencies, etc., and includes response activities that must be taken to prevent imminent loss of human life or property.

- During an emergency, NOAA Fisheries' primary objective is to provide technical assistance and recommendations to minimize adverse effects to listed species and critical habitat, while recognizing that protecting human life and property takes precedence if there is a conflict.

# How does it work?

- **Step 1: Initiating Contact**
  - -Federal agency contacts NMFS ASAP
- **Step 2: NOAA Fisheries Recommendations**
  - -minimize adverse effects. *Primary objective*
- **Step 3: Emergency Over**
  - -Federal action agency will identify any incidental take of ESA-listed species
- **Step 4: Complete Consultation**
  - -If take occurred: NMFS prepares after-the-fact biological opinion
  - -No take: no further consultation required



# Questions?