

List of ESA Terms¹

Action - all activities or programs of any kind authorized, funded, or carried out, in whole or in part by Federal agencies.

Action area - all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.

Affect/effect - to bring about change; these terms include both “beneficial effects” and “adverse effects” to listed species and critical habitat.

Beneficial effects - effects that are positive effects without any adverse effects to the species.

Critical habitat - for listed species consists of: (1) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Act, on which are found those physical or biological features (constituent elements) (a) essential to the conservation of the species and (b) which may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Cumulative effects - effects from future non-federal activities that are reasonably certain to occur within the action area.

Destruction or adverse modification of critical habitat - a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species.

Discountable effects - effects extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur.

Effects of the action - the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action. These effects are considered along with the environmental baseline and the predicted cumulative effects to determine the overall effects to the species for purposes of preparing a biological opinion on the proposed action.

Endangered species - any species which is in danger of extinction throughout all or a significant portion of its range.

¹ Terms and definitions pulled from Endangered Species Consultation Handbook, Procedures for conducting Consultation and Conference Activities under Section 7 of the Endangered Species Act, U.S. Fish & Wildlife Service and National Marine Fisheries Service, March 1998

Environmental baseline - the past and present impacts of all Federal, State, or private actions and other human activities in an action area, the anticipated impacts of all proposed Federal projects in an action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions that are contemporaneous with the consultation in process.

Formal consultation - a process between the "Services" and a Federal agency that determines whether a proposed Federal action is likely to jeopardize listed species or adversely modify designated critical habitat. This process is required when a Federal agency determines that the action "may affect" a listed species or designated critical habitat.

Harm - defined by FWS to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering.

Harass - defined by FWS as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering.

Informal consultation - an optional process between the "Services" and a Federal agency designed to assist the Federal agency in determining whether formal consultation is required. This process allows the Federal agency to utilize the Services' expertise to evaluate the agency's assessment of potential effects or to suggest possible modifications to the proposed action which could avoid potentially adverse effects.

Insignificant effects - effects related to the size of the impact and should never reach the scale where take occurs.

Jeopardy - the conclusion when the Services identify situations where the proposed action 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.

Likely to Adversely Affect (LAA) - the finding in a biological assessment (or conclusion during informal consultation) if any adverse effect to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not: discountable, insignificant, or beneficial. In the event the overall effect of the proposed action is beneficial to the listed species, but is also likely to cause some adverse effects, then the proposed action "is likely to adversely affect" the listed species. If incidental take is anticipated to occur as a result of the proposed action, an "is likely to adversely affect" determination should be made. A "Likely to Adversely Affect" determination requires the initiation of formal section 7 consultation.

Listed species - any species of fish, wildlife or plant which has been determined to be endangered or threatened under section 4 of the Act.

May affect - the conclusion when a proposed action may pose any effects on listed species or designated critical habitat. When the Federal agency proposing the action determines that a "may affect" situation exists, then they must either initiate formal consultation or seek written concurrence from the Services that the action "is not likely to adversely affect" listed species.

No effect - the conclusion when the action agency determines its proposed action will not affect a listed species or designated critical habitat.

Reasonable and prudent alternatives - recommended alternative actions identified during formal consultation that can be implemented in a manner consistent with the intended purpose of the action, that can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the Director believes would avoid the likelihood of jeopardizing the continued existence of listed species or the destruction or adverse modification of designated critical habitat.

Reasonable and prudent measures - actions the Director believes necessary or appropriate to minimize the impacts, i.e., amount or extent, of incidental take.

Services - United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS)

Survival - the condition in which a species continues to exist into the future while retaining the potential for recovery. This condition is characterized by a species with a sufficient population, represented by all necessary age classes, genetic heterogeneity, and number of sexually mature individuals producing viable offspring, which exists in an environment providing all requirements for completion of the species' entire life cycle, including reproduction, sustenance, and shelter.

Take - to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.

Threatened species - any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.