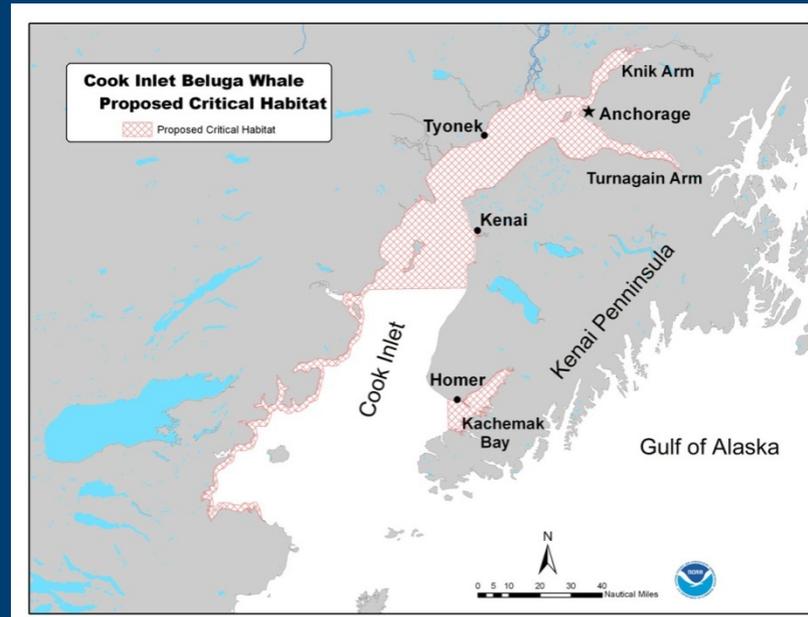




Critical Habitat



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**NOAA
FISHERIES
SERVICE**



What is Critical Habitat

§ 3(5)(A) - The term "critical habitat" for a threatened or endangered species means-

- (i) 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 this Act, on which are found those **physical or biological features** (I) **essential** to the conservation of the species and (II) which **may require** special management considerations or protection; and

- (ii) **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 this Act, upon a determination by the Secretary that such areas are **essential for the conservation of the species**.



Limits on Designation

- § 3(5)(B) - Critical habitat **may be** established for those species now listed as threatened or endangered species for which no critical habitat has heretofore been established as set forth in subparagraph (A) of this paragraph.
- § 3(5)(C) - Except in those circumstances determined by the Secretary, critical habitat **shall not include the entire geographical area** which can be occupied by the threatened or endangered species.



What Does Critical Habitat Do?

§ 7 (a)(2) - 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 habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical.....



Process for Designation

§ 4(b)(2) - The Secretary shall designate critical habitat, ... on the basis of the best scientific data available and **after taking into consideration the economic impact, and any other relevant impact**, of specifying any **particular area** as critical habitat.

The **Secretary may exclude any area** from critical habitat if he determines that the **benefits of such exclusion outweigh the benefits of specifying** such area as part of the critical habitat, **unless** he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will **result in the extinction** of the species concerned.



How does NMFS do it?

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