

Annotated Agenda: Critical Habitat Designation Process
MAFAC, Annapolis, Maryland
October 19-21, 2010

1. Title of Discussion: Critical habitat designation process for endangered species

2. Discussion Presenters: Jim Lecky, Director, Office of Protected Resources, NMFS

3. Objective/Purpose: Informational

Goal of this presentation is to provide a background briefing, as requested by MAFAC at their July 2010 meeting. The briefing should provide particular emphasis on Gulf of Mexico examples.

4. Background/Synopsis:

From the PR website: <http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>

The [Endangered Species Act \(ESA\)](#) requires the Federal government to designate "critical habitat" for any species it lists under the ESA. Critical habitat is defined as:

1. Specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and
2. Specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.

Critical habitat designations must be based on the best scientific information available, in an open public process, within specific timeframes.

A critical habitat designation does not set up a preserve or refuge. It applies only when Federal funding, permits, or projects are involved. Under Section 7 of the ESA, all Federal agencies must ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species, or destroy or adversely modify its designated critical habitat.

Critical habitat requirements do not apply to citizens engaged in activities on private land that do not involve a Federal agency.

Before designating critical habitat, careful consideration must be given to the economic impacts, impacts on national security, and other relevant impacts. The Secretary of Commerce may exclude an area from critical habitat if the benefits of exclusion outweigh the benefits of designation, unless excluding the area will result in the extinction of the species concerned.

5. Options listed from 1 to n:

6. Preferred Recommendation:

Record of Decision:

Decision, Next Step(s) and/or Action:

Assigned to:

Due Date: