

***NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 02-110
JULY 5, 2010***

Protected Resources Management

CONSERVATION OF THREATENED AND ENDANGERED SPECIES

NOTICE: This publication is available at: <http://www.nmfs.noaa.gov/directives/>.

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SUMMARY OF REVISIONS: This directive was preceded by a December 2005 Endangered Species Act policy placeholder for procedures 02-110-01 through 02-110-13.

1. Conservation and recovery of threatened and endangered species is a core mission of the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS). The Endangered Species Act (ESA) is the principle statute guiding our fulfillment of this mission. Congress passed the ESA in 1973, recognizing that the natural heritage of the United States was of “esthetic, ecological, educational, recreational, and scientific value to our Nation and its people.” It was understood that, without protection, many of our nation’s living resources would become extinct. NMFS and the U.S. Fish and Wildlife Service (USFWS) share responsibility for implementing the ESA. This directive establishes the framework for NMFS ESA implementation.
2. The ESA and its implementing regulations are adopted by reference as the NMFS Policy on Conservation of Threatened and Endangered Species. The purpose of the ESA is to conserve threatened and endangered species and their ecosystems.
3. The ESA and delegations of authority establish the following authorities and responsibilities – the NMFS Office of Protected Resources and NMFS Regional Offices work with partners to conserve and recover marine resources by:
 - Listing species, designating critical habitat, developing and implementing recovery plans, and conducting 5-year reviews for listed species under ESA section 4;
 - Developing cooperative agreements with and providing grants to States for species conservation under section 6;
 - Consulting on any Federal actions that may affect a listed species to minimize the effects of the action under section 7;
 - Partnering with other nations to ensure that international trade does not threaten species under section 8;
 - Assisting the NMFS Office of Law enforcement in investigating violations of the ESA under section 9;
 - Cooperating with non-federal partners to develop conservation plans for the long-term conservation of species under section 10; and
 - Authorizing research to learn more about protected species under section 10.

4. The listing of a species as endangered makes it illegal to “take” (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to do these things) that species. Similar prohibitions usually extend to threatened species. Federal agencies may be allowed limited take of species through interagency consultations with NMFS or USFWS. Non-federal individuals, agencies, or organizations may have limited take through special permits with conservation plans. Effects to the listed species are minimized to the extent considered necessary and in some cases conservation efforts are required to offset take. The NMFS Office of Law Enforcement works with the U.S Coast Guard and other partners to enforce and prosecute ESA violations.

5. Under ESA, 5-year reviews and biennial reports to Congress are used to assess progress in conservation and recovery of listed species. ESA section 4(c)(2)(A) requires that we conduct a review of listed species at least once every 5 years. Then, on the basis of such reviews, determine under section 4(c)(2)(B) whether or not any species should be removed from the threatened or endangered species list, or reclassified from endangered to threatened or from threatened to endangered. In addition, under section 4(f), NMFS is required to submit a Report to Congress every two years summarizing efforts to recover all listed domestic species. The report includes accounts of each species, its status (e.g. stable, declining, improving, mixed, or unknown), current threats, conservation actions undertaken during the two year timeframe, and priority actions needed in the next biennium.

5. Procedural directives will be issued to implement this policy as needed.

Signed _____/s/_____ 6/21/2010 _____
Eric Schwaab Date
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