

# The Endangered Species Act



**ALLISON ARNOLD**  
**FISH & WILDLIFE BIOLOGIST**  
**AUSTIN ECOLOGICAL**  
**SERVICES FIELD OFFICE**

# Endangered Species Act



Enacted in 1973

## Findings , Purpose and Policy (Section 2)

- Determined that these species are valuable to the Nation (aesthetic, ecological, educational, historical, recreational, and scientific)
- Charge: To develop a conservation strategy to include States and other interested parties with the goal being to conserve ecosystems upon which threatened and endangered species depend
- Water resource issues must also be resolved in conjunction with species conservation



# When do you need to contact the USFWS?



- If an action may affect a listed species
  - i.e. ground disturbance, discharge, hydrology
- [www.fws.gov](http://www.fws.gov) to obtain species lists for each county
- Hire a qualified biologist to review the project
- If there might be an effect, contact the appropriate field office as soon as possible



# Section 4

## Listing and Recovery



Currently, 96 resident T&E species in TX

- 109 if you count migratory species
- Texas has 19 candidate species
- Ongoing National lawsuit over listing candidates



**Black-capped vireo**



# Listing Criteria – Five Factors



- A. Destruction, modification or curtailment of the species range or habitat
- B. Over-utilization for commercial, recreational, scientific, or educational purposes
- C. Disease or predation
- D. Inadequacy of existing regulatory mechanisms
- E. Other factors affecting the continued existence of the species



# Recovery



Goal - Maintain or restore self-sustaining wild populations

Stop or reverse declines

- Neutralize or remove threats
- Meet recovery objectives



Recovery is an improvement in the status of a listed species to the point at which listing is no longer appropriate.



# Recovery Plan



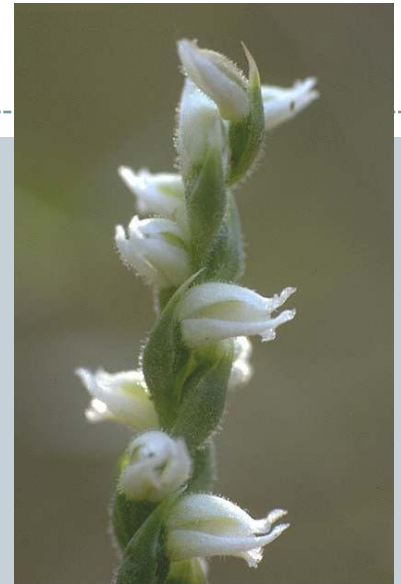
- Delineates, justifies and schedules the actions needed to recovery a species
- Identifies tasks, partners, and funding estimates
- Provides a timetable for implementation
- Scale of a plan ranges from one species, multiple species or an ecosystem based approach



# Recovery Program



- Recovery Plans in Development
  - Bexar County Karst Invertebrates
  - Navasota Ladies-tresses (revision)
  - Texas Snowbells (revision)



Navasota  
ladies'-  
tresses



Texas  
snowbell



Madla's Cave  
meshweaver





# Section 6

## Cooperative Endangered

### Species Conservation Fund

- Recognizes the role of States in management of fish, wildlife, and plants
- Provides for coordination between the Service and States
  - Management agreements
  - Cooperative agreements
  - Allocation of Service funds to States
- All projects include at least 25% non-Federal match



# Section 7

## Interagency Cooperation

### Informal vs. Formal Consultation

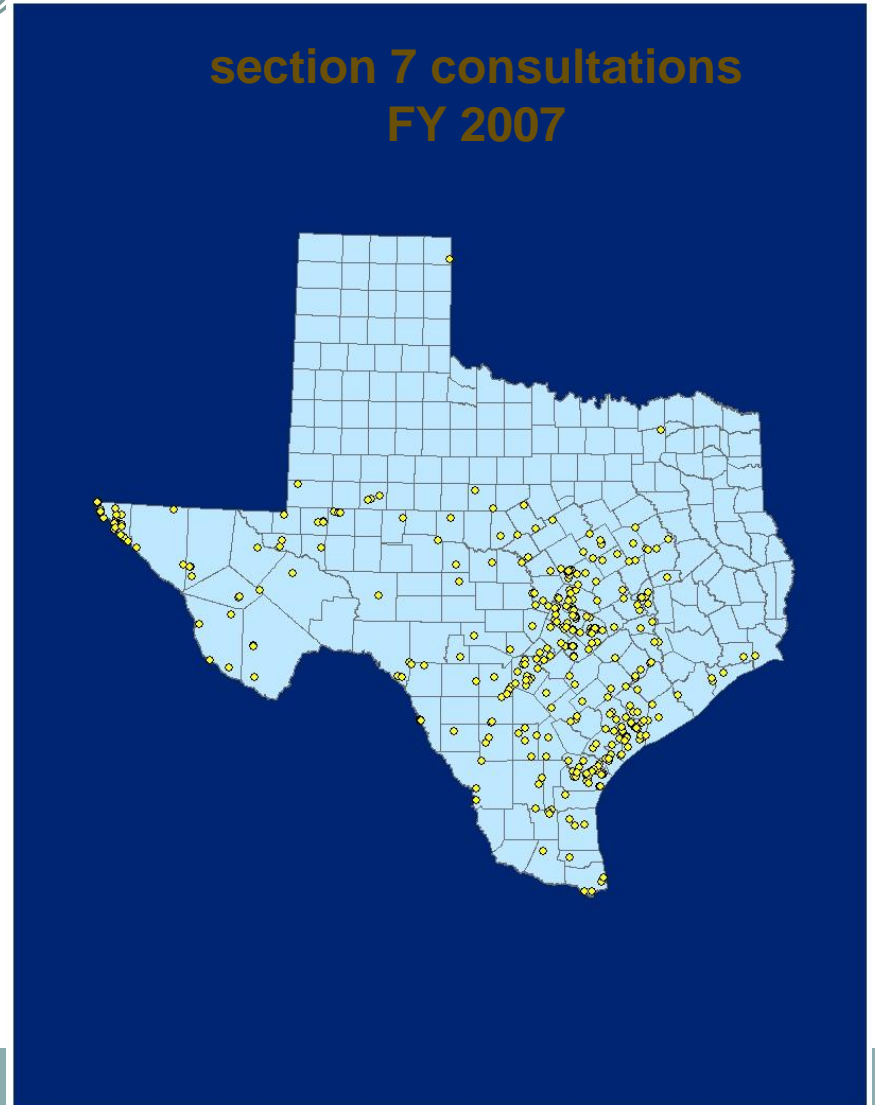
#### “Federal nexus”

- Informal constitutes the majority of consultations
- Informal consultations are used to determine whether a project “may affect” a listed species
- Project applicants may revise and re-propose projects based on probability of “may affect”
- Formal consultation is required when adverse effects to listed species are likely
  - 135 days; clock starts when we have enough information



# Section 7 Consultations

- 353 in FY 2007
- 11 Formal (Austin ES)
- Entail primarily infrastructure projects i.e. transportation, utility lines, water projects
- Occur in expanding urban areas
- Water projects out in western areas



# Section 9

## Law Enforcement



- In FY 2007, 8 cases involving endangered species
- Typically involve unauthorized clearing of known occupied habitat, permit non-compliance, and contaminants
- LE leads all investigations
- Field Offices assist LE in biological analysis of alleged take



# Section 10

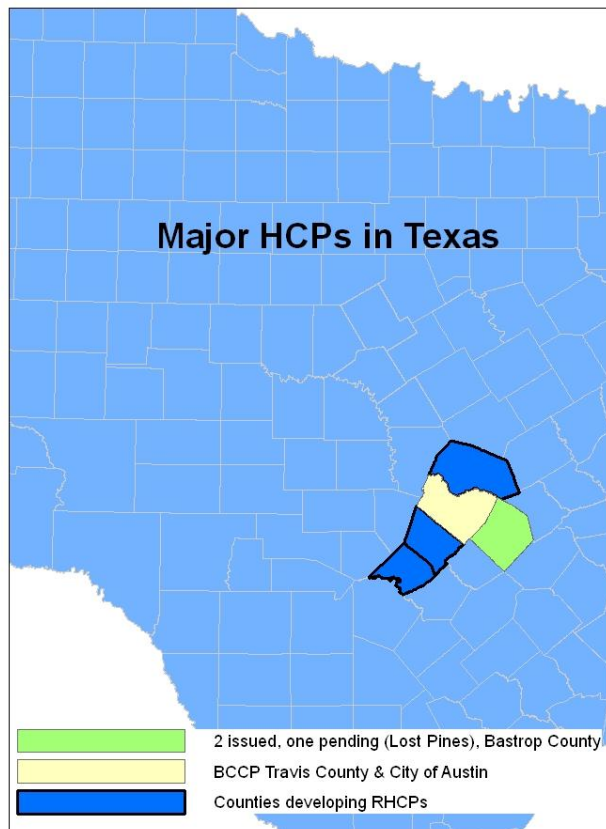
## Habitat Conservation Plans (HCPs)

- Endangered Species Act Section 10(a)(1)(B)
- For private landowners, corporations, Tribal governments, State and local governments, and other non-Federal landowners
- To permit non-Federal projects that will result in “incidental take” of listed species
- To reduce conflicts between endangered species and economic activities



# Section 10

## HCPs in Texas



- **RHCPs** – Williamson, Hays, and Comal Counties (all under development)
- **Other large acreage HCPs** – BCCP (Travis County and City of Austin), 46 subdivision HCP and Bastrop Utilities HCP for Houston toads in Bastrop County
- Many small acreage HCPs throughout central Texas





# Other Programs and Initiatives for Endangered Species Conservation Actions



# Partners for Fish & Wildlife in Texas

## Voluntary Habitat Restoration on Private Lands




- **Nationwide, 75% of all restorable and degraded habitats is on private lands**
- **In Texas, approximately 97% is privately controlled**
- **Private landowners hold the key to managing wild populations!**








# USFWS, Partners for Fish and Wildlife Program - Texas PFW Contacts


Don Wilhelm, PFW Program State Coordinator  
(817) 277-1100  
Arlington Ecological Services Field Office  
711 Stadium Drive, Suite 252  
Arlington, TX 76011  
don\_wilhelm@fws.gov


 **John Hughes, (806) 323-6636**  
West Texas Suboffice  
P.O. Box 713  
Canadian, TX 79014  
john\_p\_hughes@fws.gov

 **Steve Arey, (817) 277-1100**  
Arlington Ecological Services Field Office  
711 Stadium Drive, Suite 252  
Arlington, TX 76011  
steve\_arey@fws.gov

 **Tim Schumann, (512) 490-0057**  
Austin Ecological Services Field Office  
10711 Burnett Road, Suite 200  
Austin, TX 78758  
tim\_schumann@fws.gov

 **Jeff Reid, (936) 639-8546**  
East Texas Suboffice  
701 North 1st Street  
Lufkin, TX 75901  
jeffrey\_reid@fws.gov

 **Tim Anderson, (361) 994-9005**  
Corpus Christi Ecological Services Field Office  
6300 Ocean Drive, Campus Box 338  
Corpus Christi, TX 78412  
tim\_anderson@fws.gov

 **Ron Jones, (281) 286-8282**  
Clear Lake Ecological Services Field Office  
17629 El Camino Real, Suite 211  
Houston, TX 77058  
ron\_jones@fws.gov



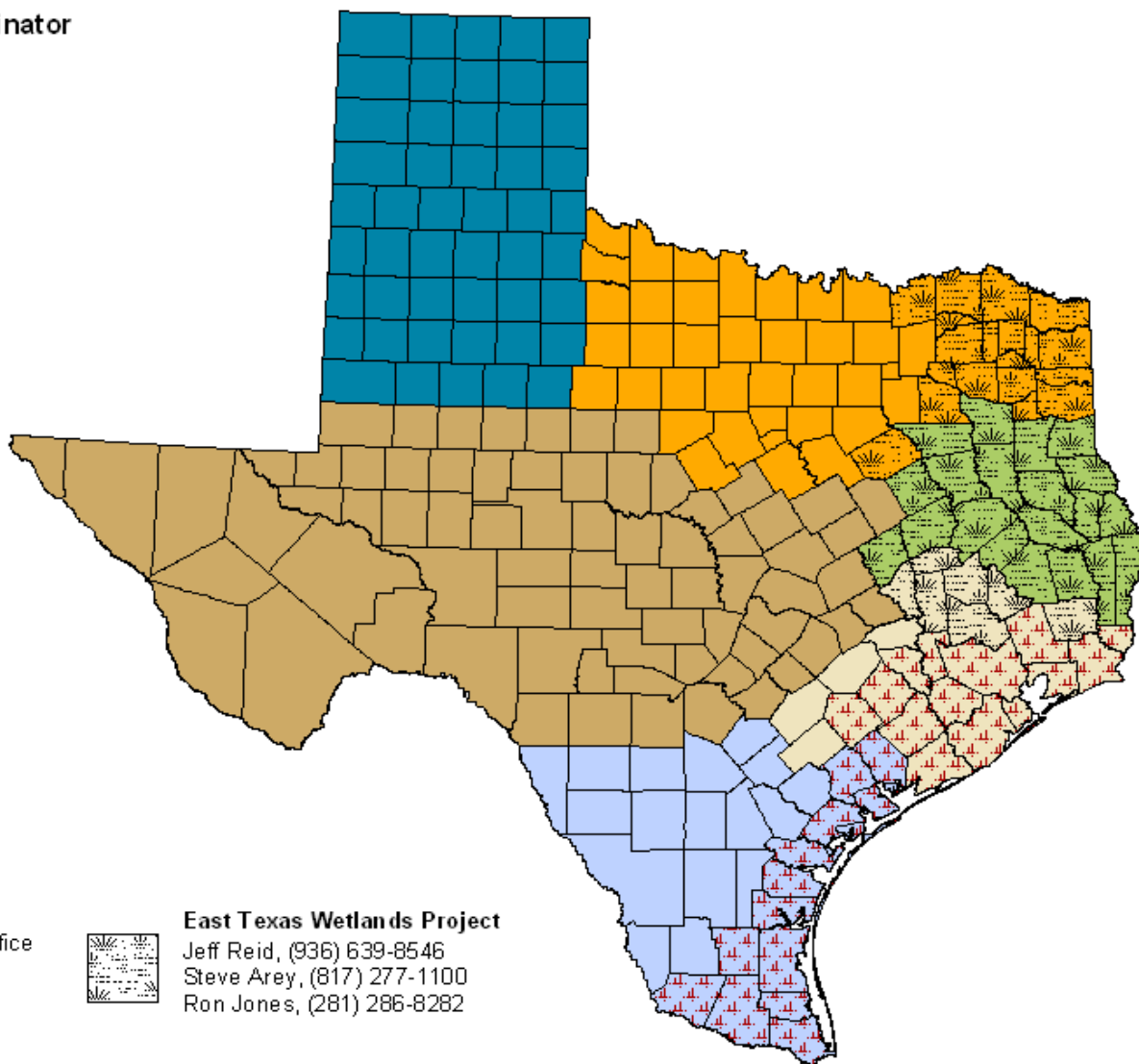
## East Texas Wetlands Project

Jeff Reid, (936) 639-8546  
Steve Arey, (817) 277-1100  
Ron Jones, (281) 286-8282



## Texas Prairie Wetlands Project

Craig Gigglesman, (361) 994-9005  
6300 Ocean Drive, Campus Box 338  
Corpus Christi, TX 78412  
craig\_gigglesman@fws.gov



# Recovery Implementation Program



- Meeting the needs of endangered species while respecting and protecting the legal rights of water users is a priority of the Department of the Interior
- Recovery Implementation Programs bring together a broad group of stakeholders including Federal, State, and private interests to work together to improve water management and recover endangered species



**Comal Springs**



# Site Assessments



- Endangered species considerations are different than NEPA considerations
- BAs vs EAs / EISs
- Landscape-scale
  - Topography
  - hydrology
  - vegetation etc.

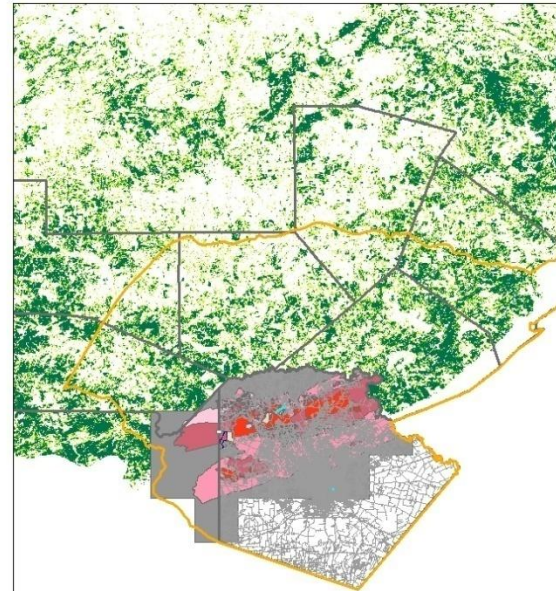


# Site Assessments



## **THINK REGIONALLY**

- Real, recent, comprehensive data
- Site photos
- Site visits
- Coordinate early and, if there are endangered species, often



SEP-HCP Scope



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**U. S. Fish and Wildlife Service**  
Ecological Services Field Offices  
Areas of Responsibility

**Joy Nicholopoulos**

Texas State Administrator for Ecological Services  
8027 Exchange Drive  
Austin, Texas 78754  
Phone 512/927-3557  
Fax 512/927-3590

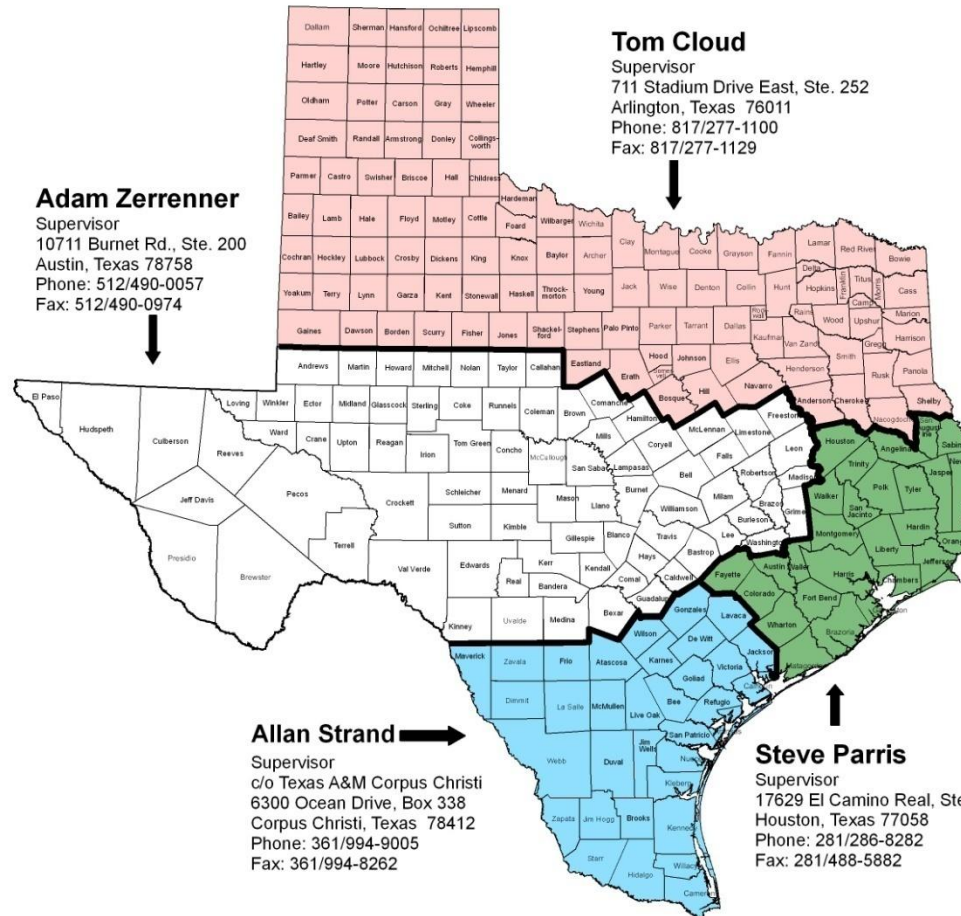
# Texas Field Offices

**Adam Zerrenner**  
Supervisor  
10711 Burnet Rd., Ste. 200  
Austin, Texas 78758  
Phone: 512/490-0057  
Fax: 512/490-0974

**Tom Cloud**  
Supervisor  
711 Stadium Drive East, Ste. 252  
Arlington, Texas 76011  
Phone: 817/277-1100  
Fax: 817/277-1129

**Allan Strand**  
Supervisor  
c/o Texas A&M Corpus Christi  
6300 Ocean Drive, Box 338  
Corpus Christi, Texas 78412  
Phone: 361/994-9005  
Fax: 361/994-8262

**Steve Parris**  
Supervisor  
17629 El Camino Real, Ste. 211  
Houston, Texas 77058  
Phone: 281/286-8282  
Fax: 281/488-5882



# QUESTIONS



**ALLISON ARNOLD  
FISH & WILDLIFE BIOLOGIST  
AUSTIN ECOLOGICAL  
SERVICES FIELD OFFICE**