So What? Critical Habitat Designations

The Endangered Species Act (ESA) was enacted with the intent to protect species whose populations are declining and in danger of extinction. Designating critical habitat for an endangered or threatened species is one method of protection the federal government uses through the ESA. The term "critical habitat" most often refers to specific areas within the geographical space occupied by the species (at the time of listing) that contain physical or biological features essential to conservation of the species. In some cases "critical habitat" may include specific areas outside the geographical space occupied by the species, if the agency has determined that such space is essential for conservation of the species.

So why should ocean planners pay attention to critical habitat designations?

1. **Critical habitat means caution when planning**. Federal agencies that authorize, fund, or carry out actions that may affect an endangered species are required to consult with the National Oceanic and Atmospheric Administration (NOAA) or the U.S. Fish and Wildlife Service (the Service) to ensure that those actions do not result in the destruction or adverse modification of critical habitat. Any non-federal stakeholders whose projects are authorized or funded by the federal government may also be affected by these provisions through the funding or authorizing federal agency.
2. **Boundaries are not black and white.** A proposed action does not need to originate within the boundaries of a critical habitat to be subject to ESA provisions. The key factor is whether the proposed action affects the critical habitat. For example, construction activities occurring outside a critical habitat area might cause siltation upstream of a critical habitat, thereby creating adverse impacts to that habitat. Also, the presence of critical habitat in a specific area does not mean that species will not be found outside the designated area. The critical habitat area is not allowed to include the species' entire range—only the portion of the species' total range thought to be key to their conservation. Animals have a tendency to move around and ignore boundaries. For example, some critical habitats are designated with seasonal specifications, meaning that there are times of the year the animal will not be found within the boundaries. Therefore, when a certain area is designated as a critical habitat, it does not mean that area is completely off limits at all times. If an area is designated because it is used by an endangered fish for spawning, the area may be restricted only during the one-month spawning season. In that case, activities such as construction could occur in the other months of the year without disrupting the critical habitat.
3. **Both NOAA and the Service manage the critical habitats.** Both agencies have the power to designate a species as endangered or threatened and then designate a critical habitat. The Service is tasked with managing mostly terrestrial and freshwater species, while NOAA is tasked

with managing ocean species and many species that migrate between ocean and freshwater (such as salmon and sturgeon).

Quick Caveats. Not all endangered species have critical habitat designated. The absence of a designation might mean that not enough data exist at present to justify it, or that the species is in the process of designation. It is still best to check with current listings and species on the "to be considered" lists (see www.nmfs.noaa.gov/pr/species/esa/candidate.htm). It is also important to keep in mind that these maps are only for illustrative purposes. Text descriptions should be used for authoritative purposes to ensure that planners have the most up-to-date and exact information.

Data-Expert Sources:

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