

What does Section 7 of the Endangered Species Act say?

Section 7(a)(1) directs Federal agencies to carry out programs for the conservation of listed species. Section (a)(2) states that each Federal agency shall, in consultation with USFWS, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.

How do we know if a Federally listed species is potentially on the property?

The South Carolina Department of Natural Resources (SCDNR) maintains a database of rare species occurrences. USFWS biologists will consult the database, locating the proposed site and identifying listed species known to occur nearby. Not all endangered and threatened species occurrences have been identified. We use the SCDNR database as a guideline for what species MAY occur in the area. Biologists will compare the habitat description from the project proposal to the habitat required by the listed species found nearby.

For example:

Bunched arrowhead (*Sagittaria fasciculata*) is an endangered plant which is known to occur in Greenville County. This plant lives in seepage areas with very low water flow. There is a proposed project in the county of Greenville. According to the SCDNR database, bunched arrowhead is the only endangered species known to occur near the site. The habitat description in the project proposal indicates that the entire project site is fallow field with no wetlands or streams. Based on (1) the SCDNR database providing the geographic distribution of listed species (2) habitat conditions on the proposed project site, and (3) the habitat requirements of the endangered species found nearby, it can be determined that the proposed project will have No Effect on the Federally endangered bunched arrowhead.

What if suitable habitat for a listed species is available on the proposed project site?

If suitable habitat for a Federally listed species is available on the proposed project site, it is the responsibility of the Federal agency and the applicant to further investigate. This may require the proposed project site to be surveyed for listed species. Surveys should be done by qualified personnel and conducted during the appropriate time of day and or year (i.e. flowering time for plants) to ensure confidence in survey results. The Service should be notified with the results of any surveys.

What if a Federally listed species is found on the proposed project site?

If a Federally threatened or endangered species or designated critical habitat is identified on the project property, and a Service biologist concurs that they are likely to be adversely affected by the project, the federal action agency will initiate formal consultation with the Service to minimize or eliminate impacts to listed species.

Section 7 Consultations

Please include the following items when initiating consultations under section 7 of the Endangered Species Act with the Fish and Wildlife Service (FWS) Charleston Field Office. In subsequent correspondence please reference the FWS log number assigned to the project. Consultation packages containing all of the following information will help ensure a timely response.

1. A description of the proposed action. Include the type of Federal involvement (e.g. Federal permit or authorization, Federal funding, etc.)
2. Project location including county, nearby town or city, and maps indicating precise location (e.g., USGS quadrangle map, soil survey map, National Wetlands Inventory map, plat, etc., with identification for each) and general location within the state (e.g. highway map, etc.). Indicate the limits of the project on the location map. Include acreage or other measure of the area(s) to be impacted.
3. A description of the specific area that may be affected by the proposed action. Typical descriptions include, but are not limited to, habitat types (e.g., agricultural field, pine forest, bottomland hardwoods, scrub-shrub wetlands, upland hardwoods, open water, etc.), present condition of the habitat type (e.g. cutover, early successional, mature old growth, etc.), soils classification, and a photograph, if available, of each habitat type where impacts will occur.
4. Summary of evaluation criteria used as a measurement of potential effects.
5. Determination of effect based on evaluation criteria. Based on information available, your determination will be: (1) No effect to listed species, (2) May affect, but not likely to adversely affect listed species, (3) May affect, and likely to adversely affect listed species. The Federal action agency must make a determination of effect. Decisions must be well supported, logical and justified biologically. The responsibility for making the determination of effects falls on the Federal agency. It is the Service's responsibility to review the project and either concur with the agency's determination or provide explanation why we do not concur with a determination.

Projects should be sent either on letterhead or have a return address clearly indicated. Unless additional information is required, consultations will be completed within 30 days of receipt.

Please address letters to:

U.S. Fish & Wildlife Service
Attn: Timothy Hall; Field Supervisor
176 Croghan Spur Road; Suite 200
Charleston, SC 29407