



United States Department of Agriculture



Endangered Species Section 7 in Alaska

November 2020

FARM PRODUCTION AND CONSERVATION
FSA | NRCS | RMA | Business Center

Endangered Species Act Summary

16 U.S.C. §1531 et seq. (1973)

The **Endangered Species Act (ESA) of 1973** is the primary law in the United States for protecting imperiled species. It provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead federal agencies implementing ESA are:

1) [U.S. Fish and Wildlife Service \(FWS\)](#)

The FWS maintains a [worldwide list of endangered species](#).

2) [U.S. National Oceanic and Atmospheric Administration \(NOAA\) Fisheries Service, National Marine Fisheries Service \(NMFS\)](#)

Endangered Species Act Summary

Designed to protect critically-imperiled species from extinction as a "consequence of economic growth and development un-tempered by adequate concern and conservation", the ESA was signed into law by President Richard Nixon on Dec 28, 1973. The U.S. Supreme Court called it "the most comprehensive legislation for the preservation of endangered species enacted by any nation."

The purposes of the ESA are two-fold:

- 1) to prevent extinction;
- 2) to recover species to the point where the law's protections are not needed.



It therefore "protect[s] species and the ecosystems upon which they depend" through different mechanisms.

What Does ESA Do?

The law requires federal agencies, in consultation with the FWS and NOAA, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species OR result in the destruction or adverse modification of designated critical habitat of such species.



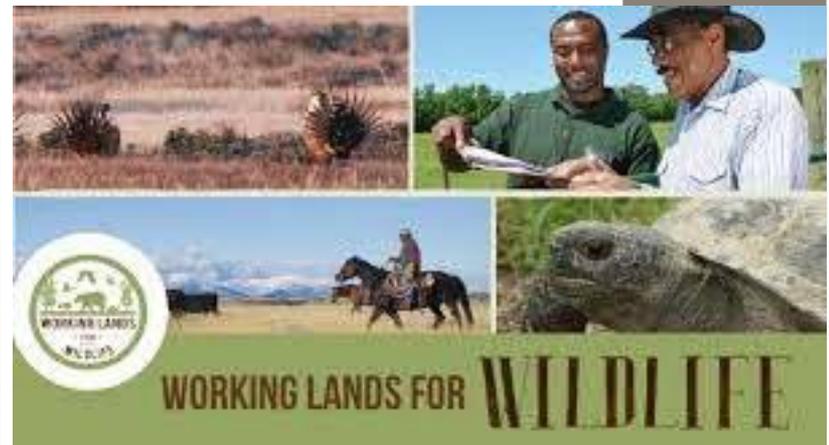
What Does ESA Do?

The law also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife. Likewise, import, export, interstate, and foreign commerce of listed species are all generally prohibited.



NRCS Responsibilities Under the ESA

Consistent with legal requirements of the ESA and NRCS policy regarding State and Tribal species of concern, NRCS is fully committed to supporting the conservation of formally-designated Federal, (including “candidate” and “proposed”) species.



NRCS Responsibilities Under the ESA

NRCS policy (190-GM, Part 410) also requires consideration of impacts to species protected by State or Tribal laws or regulations.



Why is it Important?

Section 7(a) of ESA requires NRCS, in consultation with and with the assistance of the Secretary of the FWS and NOAA, to advance the purposes of the act by implementing programs for the conservation of endangered and threatened species, and to ensure that NRCS actions and activities do not jeopardize the continued existence of threatened and endangered species or result in the destruction or adverse modification of the species' critical habitat.

NRCS must also consult with State and/or Tribal entities when considering impacts to species of concern protected by State or Tribal laws or regulations.

What is Required?



NRCS must make an initial effects determination for any of the following that are present, or potentially present, within the project area:

- endangered or threatened species
- designated critical habitats
- proposed species or habitats
- candidate species
- State or Tribal species of concern protected by State or Tribal law or regulation

What is Required?

Once the effects determination has been completed, there may be a need to initiate consultation with the FWS or NMFS that would result in the development of negotiated “reasonable and prudent measures” (RPMs) to mitigate potential negative impacts.



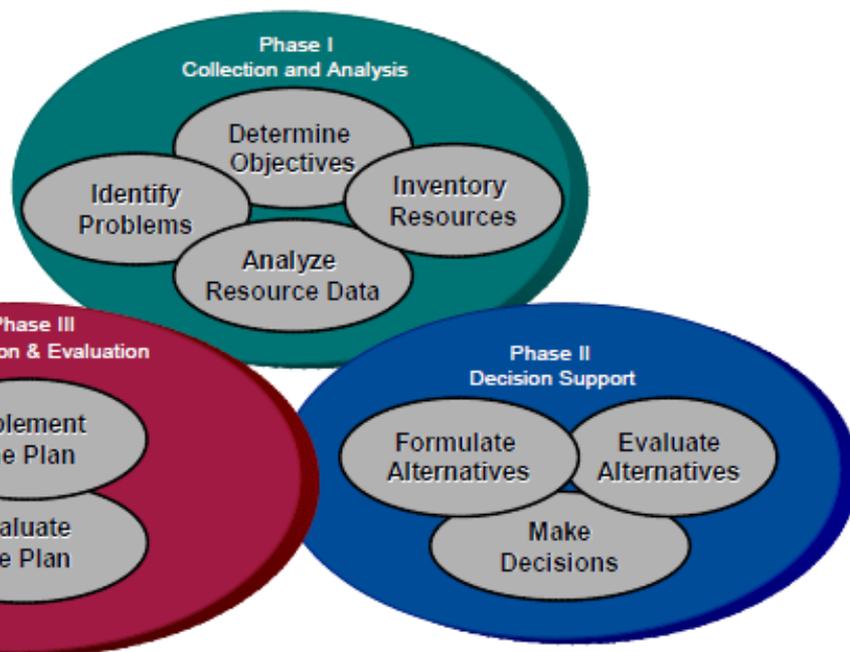
How Does NRCS Do This?

NRCS considers T&E species and their habitat needs during the “collection and analysis” phase of the Nine Step Planning Process.

Considerations for species covered under the ESA are captured on the **CPA-52 Environmental Evaluation Worksheet**, which is the primary document also used to ensure agency compliance with the National Environmental Policy Act (NEPA).

Environmental Evaluation and the Planning Process

The Nine Step Planning Process



Phase I Collection and Analysis

- Step 1 Identify Problems
- Step 2 Determine Objectives
- Step 3 Inventory Resources
- Step 4 Analyze Resource Data

Phase II Decision Support

- Step 5 Formulate Alternatives
- Step 6 Evaluate Alternatives
- Step 7 Make Decisions

Phase III Application & Evaluation

- Step 8 Implement the plan
- Step 9 Evaluate the plan

Environmental Evaluation and the Planning Process: The CPA-52

The planning process is documented on the form “CPA-52”, including documentation on threatened and endangered species, as well as general wildlife concerns.

U.S. Department of Agriculture Natural Resources Conservation Service		NCS-CPA-52 110299		A. Client Name:			
ENVIRONMENTAL EVALUATION WORKSHEET				B. Conservation Plan ID # (as applicable):			
C. Client's Objective(s) (purpose):				Program Authority (optional):			
Step 2 Determine Objectives				C. Identification # (farm, tract, field #, etc. as required):			
Need for Action:		D. Alternatives					
Step 1 Identify Problems		No Action	Alternative 1	Alternative 2			
		Step 5 Formulate Alternatives					
Resource Concerns							
In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process. (See FOTG Section III - Resource Planning Criteria for guidance).							
F. Resource Concerns and Existing/Benchmark Conditions		I. Effects of Alternatives					
Analyze and record the existing/benchmark conditions for each identified concern.		No Action		Alternative 1		Alternative 2	
		Amount, Status, Description (Document both short and long term impacts)	if does NOT meet PC	Amount, Status, Description (Document both short and long term impacts)	if does NOT meet PC	Amount, Status, Description (Document both short and long term impacts)	if does NOT meet PC
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WATER			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
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Step 3 Inventory Resources
Step 4 Analyze Resource Data

Step 6 Evaluate Alternatives

Environmental Evaluation and the Planning Process: The CPA-52

A complete overview of the CPA-52 and how the planning process is documented is provided in several courses:

1. **NRCS-CPA-52 Environmental Evaluation Worksheet** (NRCS-NHQ-000048) on [AgLearn](#)
2. **Environmental Evaluation Series #2** “Documenting the Environmental Evaluation on the NRCS CPA-52 Environmental Evaluation Worksheet” on [Conservation Webinar Portal](#)
3. **Environmental Evaluation Series #6** “Planning for Endangered Species/Migratory Birds/Bad and Golden Eagles Special Environmental Concerns” on [Conservation Webinar Portal](#)
4. **Environmental Evaluation Series #9** Planning for Essential Fish Habitat, Coastal Zones, and Coral Reef Special Environmental Concerns on [Conservation Webinar Portal](#)

Environmental Evaluation and the Planning Process: The CPA-52

The EEPT

An electronic version of the CPA-52 is available to conservation planners as the Environmental Evaluation Planning Tool (EEPT).

The EEPT guides the planner through analysis of several resources including T&E species and the habitat they require that may be within a project area.

C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB							
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ENVIRONMENTAL EVALUATION WORKSHEET												A. Client Name:																				
D. Client's Objective(s) (purpose):												B. Conservation Plan ID # (as applicable): Program Authority (optional):																				
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Environmental Evaluation and the Planning Process: The CPA-52

The EEPT

Within the EEPT, a guide sheet leads the planner through a series of questions designed to help them consider and evaluate potential impacts on T&E species and essential habitat as well as alternative treatments. A “no action” alternative is also considered.

ENDANGERED AND THREATENED SPECIES		Client/Plan Information:
NECH 610.26		
Evaluation Procedure Guide Sheet		
Check all that apply to this Guide Sheet review:		
<input type="checkbox"/>	Alternative 1	
<input type="checkbox"/>	Alternative 2	
<input type="checkbox"/>	Other	
STEP 1.		
Are protected species or their habitat present in the area of potential effect?		
Note: protected species include federally listed, proposed, and candidate species, as well as State and Tribal species protected by law or regulation. In addition, if a species' listing or status changes before implementation, you must complete this review again.		
<input type="checkbox"/>	No	If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.
<input type="checkbox"/>	Yes	If "Yes," document the species and relevant benchmark data on NRCS-CPA-52, then proceed to the applicable section(s) listed below:
		<ul style="list-style-type: none"> • Section 1- Federally listed endangered or threatened species/habitats • Section 2- Federally proposed species/habitats • Section 3- Federal candidate species/habitats • Section 4- State/Tribal species/habitats

T&E Species Guide Sheet Sections

The T&E Species guide sheet within the EEPT includes the following sections:

- 1) Federally listed endangered or threatened species/habitats
- 2) Federally proposed species/habitats
- 3) Federal candidate species/habitats
- 4) State/Tribal species/habitats

T&E Species Guide Sheet Sections

Within each section, the guide sheet lists questions to which the planner may answer “yes” or “no”, or “no adverse effect” or “may adversely effect” depending on the site-specific situations within the planning area that is being evaluated and the conservation practices that are being considered for implementation.

No adverse effect

If “**No adverse effect,**” additional evaluation is not needed concerning State or Tribal species of concern. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

May adversely affect

If “**May adversely affect,**” go to Step 2.

T&E Species Fact Sheet

The EEPT also offers a link to a fact sheet that provides more information on the ESA and NRCS policy related to listed, potentially listed, or state or tribally-protected species of concern.


 United States Department of Agriculture
Special Environmental Concerns

Endangered & Threatened Species

ENDANGERED AND THREATENED SPECIES AND STATE/TRIBAL SPECIES OF CONCERN
 Consistent with legal requirements of the Endangered Species Act of 1973 and NRCS policy regarding State and Tribal species of concern, NRCS is fully committed to supporting the conservation of formally designated Federal (including "candidate" and "proposed" species), State and Tribal species of concern.

What is it?
 When Congress enacted the ESA in 1973, it made several findings regarding the disappearance of various plant and animal species of the United States, the importance of these species to the Nation and its people, and the obligation of the Federal Government to conserve to the extent practicable the various species of fish, wildlife, and plants facing extinction. NRCS policy (190-GM, Part 410) also requires consideration of impacts to species protected by State or Tribal laws or regulations.

Why is it important?
 Section 7(a) of ESA requires NRCS, in consultation with and with the assistance of the Secretary of the Interior [US Fish and Wildlife Service (USFWS) and/or NOAA National Marine Fisheries Service (NMFS)], to advance the purposes of the act by implementing programs for the conservation of endangered and threatened species, and to ensure that NRCS actions and activities do not jeopardize the continued existence of threatened and endangered species or result in the destruction or adverse modification of the species' critical habitat. NRCS must also consult with State and/or Tribal entities when considering impacts to species of concern protected by State or Tribal laws or regulations.

What is required?
 NRCS must make an initial effects determination for any endangered or threatened species, designated critical habitats, proposed species or habitats, candidate species, or State or Tribal species of concern protected by State or Tribal law or regulation present, or potentially present, within the project area. Once the effects determination has been completed, there may be a need to initiate consultation with the USFWS or NMFS that would result in the development of negotiated "reasonable and prudent measures" (RPMs) to mitigate potential negative impacts. Contact your State Biologist for more information.

E&T Species and State/Tribal Species of Concern at a Glance

Problems/Indicators – Potential negative impacts to Federal, State, and Tribal Species of Concern	
Potential Causes	Potential Solutions
<ul style="list-style-type: none"> • Land use changes/conversions • In-stream and upland restoration projects • Ground disturbing practices • Timing of project implementation 	<ul style="list-style-type: none"> • Mitigation to eliminate potential impacts during planning process • Consultation with USFWS and/or NMFS • Incorporate RPMs and conservation measures into project specifications • Establish monitoring protocols

Environmental Evaluation and the Planning Process: The CPA-52

The CPA-52 is inherently governmental



The CPA-52 must be signed by an authorized representative of the United States Government.

Alaska NRCS policy dictates that the “Responsible Federal Official” (RFO) for NRCS activities is the local District Conservationist.



Federally-Listed Species in Alaska

Despite the great size of Alaska, the state hosts relatively few species listed as endangered or threatened by FWS.

- Northern sea otter (Southwest population)



- Polar bear



- Steller's eider



- Spectacled eider



- Aleutian shield fern



- Eskimo curlew



- Short-tailed albatross



- Wood bison



Federally-Listed Species in Alaska

As of 2021, several other species native or transitory to Alaska have been proposed for listing under ESA.

Table 4. List of at-risk species in Alaska petitioned for listing under ESA during the last planning period (2001–2015), record of SWG funding and final resolution.

Species	Date of Petition	Funded by SWG?	Final Status
Kittlitz's Murrelet	May 9, 2001	Yes	Not Warranted
Polar Bear	February 16, 2005	No	Threatened
Cook Inlet Beluga Whale	April 20, 2006	No	Endangered
Pacific Herring (SE Alaska DPS)	April 2, 2007	No	Not Warranted
Loggerhead Sea Turtle (N. Pacific Pop.)	July 12, 2007	No	Threatened
Pacific Walrus	February 7, 2008	No	Pending
Bearded Seal (Beringea DPS)	May 28, 2008	No	Threatened
Ringed Seal (arctic subspecies)	May 28, 2008	No	Threatened
Spotted Seal (Bering Sea DPS)	May 28, 2008	No	Not Warranted
Little Brown Bat ¹	December 16, 2010	Yes	Pending
Alexander Archipelago Wolf	August 10, 2011	No	Pending
Prince of Wales Flying Squirrel	September 30, 2011	Yes	Not Warranted
Iliamna Lake Seals	November 19, 2012	No	Pending
Yellow-billed Loon	March 30, 2004	Yes	Not Warranted
Marine corals (43 species)	August 12, 2012	No	Not Warranted
Pinto abalone	August 1, 2013	No	Not Warranted
Alaska Yellow Cedar	June 24, 2014	No	Pending

Reproduced from page 140 of the 2015 Alaska Wildlife Action Plan

¹ For eastern core of its range: <http://www.bu.edu/cecb/files/2010/12/Final-Status-Review.pdf>

Federally-Listed Species in Alaska

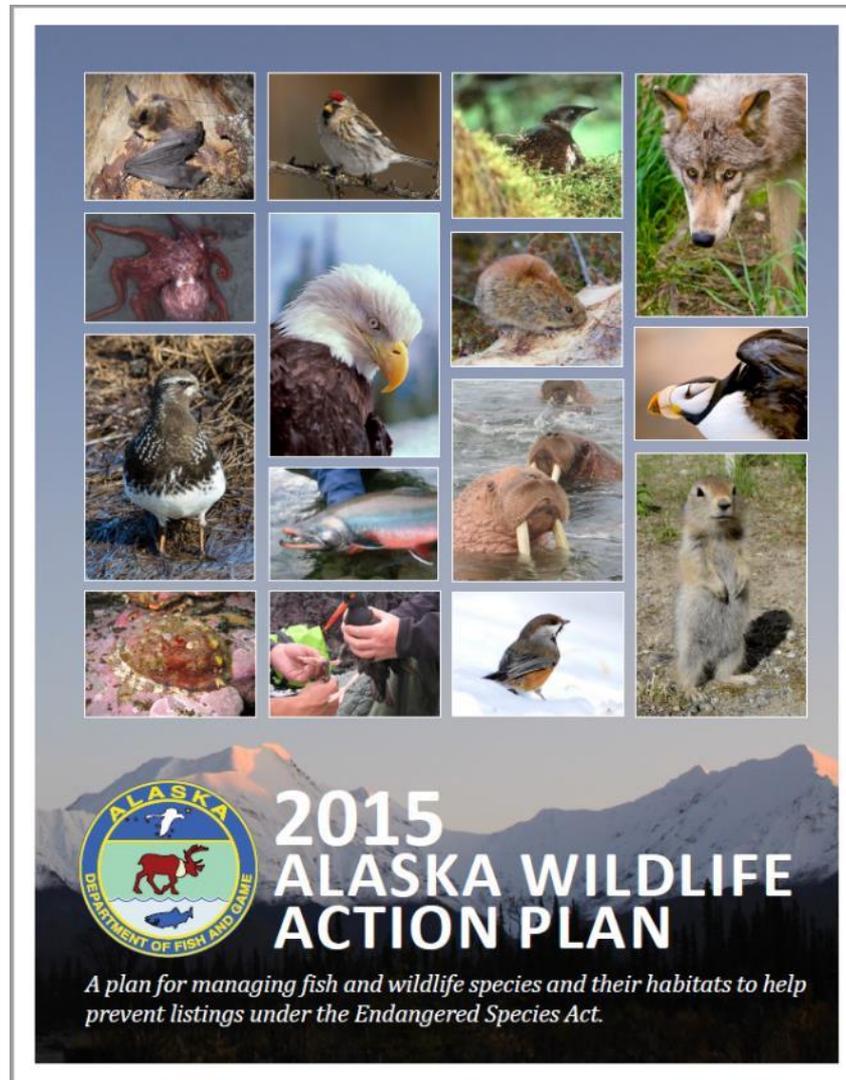
Unless a Planner is working in a coastal area, it is unlikely that they will encounter either a listed species or critical habitat for a listed species.

However, the T&E species and the habitat they require must always be considered for every USDA action, and the Endangered Species portion of the CPA-52 must be completed entirely.

Planners must also always consider the presence of species of local conservation need and the habitat for those species.

The 2015 Alaska Wildlife Action Plan

The State of Alaska has published a [Wildlife Action Plan](#) (WAP) with funds from the federal State Wildlife Grant (SWG) program. The plan's goal is to prevent species from becoming listed as threatened or endangered under the Endangered Species Act (ESA).



The 2015 Alaska Wildlife Action Plan

Within the Alaska WAP, the state identified “species of greatest conservation need,” or SGCN, using multiple criteria, including:

- species whose population is small, declining, or under significant threat (“at-risk” species);
- species that are culturally, ecologically, or economically important;
- species that function as sentinel species (indicators of environmental change);
- and stewardship species (species with a high percentage of their North American or global populations in Alaska).

The 2015 Alaska Wildlife Action Plan

The Alaska WAP identifies hundreds of terrestrial and aquatic species as SGCN including:

- 58 fish
- 5 amphibians
- 192 birds
- 71 mammals
- 5 freshwater invertebrates
- 4 marine zooplankton
- 36 species and one phylum of marine invertebrates
- 5 terrestrial arthropods

The 2015 Alaska Wildlife Action Plan

Although the SGCN in the Alaska WAP are not required to be considered in the CPA-52 to satisfy responsibilities under the ESA, Planners should give high priority to the needs of, and recommendations for, vulnerable species and their habitat that may be in a USDA project area during the planning process.





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Office of the Assistant Secretary for Civil Rights
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Washington, D.C. 20250-9410;
 - (2) fax: (202) 690-7442; or
 - (3) email: program.intake@usda.gov.
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