

EFO Wildlife Committee News

February 19, 2016

1. USFWS & NOAA final rule was published that amends the regulations governing section 7 consultation under the ESA to revise the definition of “destruction or adverse modification” of critical habitat, in the regulations, as this definition had been found to be invalid by two circuit courts. The new definition reads “a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species”. The definition says that “such alterations may include, but are not limited to, effects that preclude or significantly delay the development of the physical or biological features essential to the conservation of a listed species”. The services removed undefined terms such as “conservation value” and “life history needs”.
2. Final rule that amends the regulations governing the designation of critical habitat under section 4 of the ESA; and
3. A final Policy pertaining to exclusions from critical habitat and how we may consider partnerships and conservation plans, conservation plans permitted under section 10 of the Act, Tribal lands, national-security and homeland security impacts and military lands, Federal Lands, and economic impacts in the exclusion process.
4. Four environmental groups (Center for Biological Diversity, Sierra Club, Coal River Mountain Watch, Ohio Valley Environmental Coalition) filed an NOI to Sue USFWS over the final NLEB 4(d) rule.
5. On Friday 2/19/16 USFWS and NMFS released a [revised interagency cooperative policy](#) regarding the role of State agencies in the Endangered Species Act. This should be published in the Federal Register on February 22, 2016. This is a revision of a policy issued in 1994, and the updated policy is intended to reflect “a renewed commitment by the Services and State fish and wildlife agencies to work together.
6. The annual ABB permittee meeting was held on February 18th. There are no survey protocols changed for 2016 for Oklahoma. One the revision of the current ICP, which is about to expire, was discussed. Those with current permits under the existing ICP will need to submit a permit amendment to apply for coverage under the new version for future projects. However, existing permit holders, cannot apply, until the new version is published in the Federal Register.